



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

The Manx Society,

ESTABLISHED IN THE YEAR

MDCCCLVIII.



VOL. III.

DOUGLAS, ISLE OF MAN:
PRINTED FOR THE MANX SOCIETY.
MDCCCLX.

Soc. Islands of Man



25

The Manx Society,

ESTABLISHED IN THE YEAR

MDCCCLVIII.



VOL. III.

DOUGLAS, ISLE OF MAN:
PRINTED FOR THE MANX SOCIETY.
MDCCCLX.

Soc. Manx. 1861

Printed by H. CUMPHRY,
Monk's Sun Office, 13, King-street,
Douglas.

President.

His Excellency the Honourable CHARLES HOPE, Lieut.-Governor of the Isle of Man.

Vice-Presidents.

The Hon. and Right Rev. HORACE, Lord Bishop of Sodor and Man.

C. R. OGDEN, H.M.'s Attorney-General of the Isle of Man.

The Hon. MARK H. QUAYLE, Clerk of the Rolls.

The Hon. W. W. CHRISTIAN, Water-Bailiff and Coroner-General.

The Venerable JOS. C. MOORE, Archdeacon.

The Worshipful T. A. CORLETT, Vicar-General.

RICHARD QUIRK, H.M.'s Receiver-General.

EDW. M. GAWNE, Speaker of the House of Keys.

L. ADAMSON, H.M.'s Seneschal.

F. C. SKRIMSHIRE, Agent of H.M.'s Woods and Forests in the Isle of Man.

Council.

ALFRED W. ADAMS, Advocate and Crown Solicitor.

L. W. ADAMSON, Advocate, Douglas.

Rev. ROBERT AIREY, St. Luke's Baldwin.

Rev. T. E. BROWN, M.A., Vice-Principal of King William's College.

JAMES BURMAN, Ballasalla, F.R.A.S.

WM. CALLISTER, Thornhill, H.K.

Rev. JAMES CLELAND, of the Scotch Church, Douglas.

Rev. R. DIXON, D.D., Principal of King William's College.

WILLIAM FARRANT, H.K., Ballamoar, Jurby.

THOMAS GARRETT, Douglas.

JAMES GELL, High Bailiff of Castletown.

WILLIAM GELL, Douglas.

WM. HARRISON, Rockmount, H.K.

JOHN M. JEFFCOTT, Castletown, H.K.

Rev. W. KERMODE, Incumbent of St. Paul's, Ramsey.

Rev. WM. MACKENZIE, Strathallan Park.

ROBERT J. MOORE, High Bailiff of Peel, H.K.

Captain HENRY MURRAY, R.A., Thornton, H.K.

H. R. OSWALD, F.S.A., Douglas.

Rev. S. SIMPSON, M.A., of St. Thomas's Douglas.

H. B. WATTS, Douglas.

SENHOUSE WILSON, High Bailiff of Douglas.

Treasurers.

JAMES GEO. GELLING, Douglas.

JOS. JEFFERSON, Bemahague.

Hon. Secretaries.

PAUL BRIDSON, Douglas.

J. R. OLIVER, M.D., Douglas.

The Council of the Maux Society beg to intimate to the Members (in accordance with a resolution inserted in their Minute Book) that whilst exercising due supervision over the Works delivered, they do not hold themselves responsible for any opinions put forth by the Editors.

N.B.—Members at a distance are (as heretofore) requested to acknowledge their Copies to the Honorary Secretary, Mr. PAUL BRIDSON, 29, Atholl Street, to whom also their Subscriptions may be remitted.

1

2

3

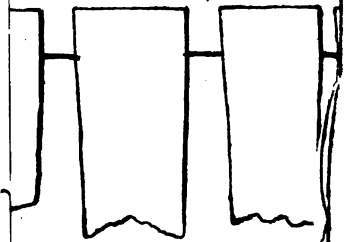
4

5

dicens sugans total
 n sunt inquisit p dñ
 ro so excusat vt so
 n cum et oco cam
 o don aliqua alia
 aliqua causa sup dñ
 pndeat vt respond
 tatum suay in mar
 i neq dñone in se
 quoy Bayon ad
 testium tam pda
 osneunt dat apu
 r a pgalitatis dñ

ll
 nf

Boybold
 Stonenfon.



LEGISLATION

BY

Three of the Thirteen Stanleys, KINGS OF MAN.

ACTS OF SIR JOHN STANLEY, A.D., 1417-1480.

LEGISLATION OF THE SEVENTH EARL OF DERBY, A.D., 1627-1647,
AND HIS LETTER AS PUBLISHED IN PECK'S
DESIDERATA CURIOSA.

ACTS REFERRING TO THE CLERGY AND LANDOWNERS, BY THE
TENTH EARL OF DERBY, 1703.

EDITED, WITH INTRODUCTION AND NOTES,

BY THE REV. WILLIAM MACKENZIE,
MEMBER OF THE FREE PRESBYTERY OF EDINBURGH.

DOUGLAS, ISLE OF MAN:
PRINTED FOR THE MANX SOCIETY.
MDCCCLX.



EDITOR'S INTRODUCTION.

THE principal national documents of the Isle of Man being connected with the house of Stanley, the influence exerted by the thirteen Stanley Kings could not fail to attract the earliest attention of the Manx Society. For the long period of four centuries, from A.D. 1405 to 1829 the charter of Henry IV. to Sir John Stanley was the helm of the kingdom of Man and the Isles. The sphere of the Stanley dynasty, small in extent, was by them made morally great. The mode in which they steered their ship of state may afford lessons to the largest empires. Much of what is best in British rule the Stanleys exemplified. If under the British empire it be desired that its multitudinous populations be self ruled by their own approved laws; that they be united as one man against foreign domination, ecclesiastical and political; that an aristocratic parliament be freely and truly elected by the entire population; that education be universal; that the disorganization of popular masses be cured; that canon law be set aside, and that common and statute law be codified and well administered; that all collision and all undue union between church and state be rectified; that all sectarian warfare cease; that there be harmony in modes of worship and

Church government; that clerical mediævalism be regulated; that clergy and laity coalesce in doing national work; that Papal aggression be properly met, and that the Priesthood and the Papacy be adjusted for Europe and the world: on all these points practical hints of great value may be learned from the legislation of the Stanley kings of Man. By these, her eldest aristocratic proconsuls, England treated the kingdom of Man and the Isles differently from the other three weaker kingdoms in the British Isles, Wales, Scotland, and Ireland. The violence employed to merge these into England has raised religious barriers which to this day prevent the Dissent, Presbytery, and Popery of these provinces from forming with the Prelacy of England an empire well amalgamated spiritually and politically. But in Man the policy of conciliation now happily employed towards all the colonies and dependencies of the empire had its earliest trial and has been followed by the happiest results. The Manx in church and state, by the influence of the Stanley policy, may be said to be more Anglican than the English. Individual rulers have resigned a sceptre, but what dynasty of kings, after discontinuing that name, and gracefully filling the first rank of subjects, have handed over to the sovereign line of monarchs an ancient kingdom, with surplus revenue, with no debt, with no internal taxation, retaining its primitive self government, and without shadow of compulsion moving in its satellite orbit around the imperial centre?

The problem of railway communication over the globe was solved when Stephenson first ran his rude locomotive on the coal tramway; and it is possible that in the central islet of the British group more than one problem for the progress of

humanity, defying the statesmanship and churchmanship of our age, may have received an experimental though unnoticed solution. Given a good monarch, what system in state or church can excel monarchy? Three of the Stanley kings, like David's three mightiest of his 30 mighty men, have left legislative monuments. The Anglican, the Romanist, the Dissenter, the Republican will concede the ability of these patrician kings of the germ of our colonial empire; but the measures of the anti-Romanist Sir John Stanley, of the anti-Puritan seventh Earl of Derby, and of the anti-revolutionary tenth Earl, must by some of these parties be disapproved.

In the 17th century the flag of church and king, struck down elsewhere, floated last over Man. At the crisis when Britain, to prevent Papal reascendency, had expelled the lineal descendant of her ancient monarchy, the churchmen of England having anointed a Presbyterian king, Ireland fighting to restore and Scotland to repel the Romanist, the heart of the British Isles remained at rest amidst that tempest. Neither Popery nor dissent disquieted the Isle of Man. Well might its prelate extol the unanimity of his diocese. "The religious worship is exactly the same with that of the Church of England. The reformation was begun somewhat later here than in England, but so happily carried on that there has not for many years been one Papist a native in the Island, nor indeed are there dissenters of any denomination except a family or two of Quakers, and even some of these have of late been baptised into the church." The testimony of Governor Sacheverell to the same effect has been given in the first volume of the Manx Society. "The first advantage of the country is a perfect unanimity in matters

of religion, strictly conformable to the doctrines and discipline of the Church of England. The next advantage to this is the goodness of their laws, admirably adapted to their constitution. Lord Chief Justice Coke saith that the Isle of Man has such laws, the like whereof are not to be found in any other place."

Although the institutions and laws are nearly the same now as then in Bishop Wilson's days, this being the only spot in the British Isles not depending for these on the Imperial Parliament, religious division is now amply developed. According to statistics published by the present Bishop of Sodor and Man, the 52,116 inhabitants have sittings in church or chapel for almost every individual; there being 17,210 sittings in the 31 licensed places of worship connected with the establishment, and 33,985 sittings, in the 91 non-conformist chapels. The sources of former unity and present division deserve investigation as a social and historical question, the answer to which may indicate a clue to guide out of the sectarian Babel of modern Christendom.

The religion and constitution of the Isle of Man have been greatly influenced by the national documents of three Stanley kings, printed in this volume.

1.—The acts of Sir John Stanley, the second king of that family, and who first reduced the laws and institutions of the Island to writing.

2.—The acts of James, the seventh Earl of Derby and tenth Stanley King; a summary of his legislation is given in this publication and the letter to his son, reprinted from Peck's *Desiderata Curiosa*, is a curious commentary on the intention of his legislation.

3.—The two principal acts of Tynwald under the tenth Earl of Derby, the last Stanley king:

The first of these kings broke the domination of the Papacy in this Isle a century earlier than Henry VIII. and Luther, while as yet its sway over the rest of the British Isles was irresistible. It was he that first constitutionally delivered a British Isle from the Papal yoke. By feudal authority he superseded papal power without fraud or violence. The statesmanship of Sir John Stanley and the successive steps by which at the head of the least kingdom in Europe, he checkmated the overwhelming power of Rome may convey a lesson in the present day, when the territorial sway of the British Isles exceeds that of Papal and Pagan Rome.

The ninth descendant from the anti-Papal Leader may be termed the anti-Puritan King, having been successful against that opposite extreme. Strafford's scheme of "thorough" which cost Charles I. his crown, prevailed under the seventh Earl of Derby, for he in his own realm repressed the Puritan and popular movement of the 17th century, and effected for his own crown and legislature what Louis Napoleon has accomplished in France.

The revolution of 1688 in England had its counterpart in Man. It restored to the freeholders their Norwegian charters, so that the Manx, rooted in their native soil, have not had an exodus to America like their Celtic brethren of Ireland and the highlands of Scotland. Its ecclesiastical constitutions opened to Bishop Wilson a patriarchate of 50 years such as Calvin swayed over Geneva. The national education first brought to all by Knox, was first made compulsory by Wilson. But "the

constitution of old time" of Sir John Stanley and the ecclesiastical constitutions of Bishop Wilson grew from different roots and were at heart antagonistic. Sir Robert Walpole let the zealous Bishop out of the Manx state dungeon, but to reconcile the antagonism between Wycliffe and Laud, surpassed the wisdom of the unprincipled 18th century.

A kindred genius and high churchman wrested the Manx patriarchate from the incapable hands of Wilson's successors. The revestment of the insular sovereignty in the British crown in 1765 had rendered the inhabitants more liable to English influences, and the evangelical revival in England under Whitfield and Wesley flowed freely over the Isle of Man. Carrying away from more recent structures their popular support this influence has tended towards a revival of Sir John Stanley's constitution. The Methodized evangelical hierarchy, born in the Church of England and expelled from it, has not undermined the deep unity of the Manx nation. Papal and Puritan extremes repelled, so strong is the hold which Anglicanism accepted as the golden mean, has upon the Manx nationality, that to this day the multitudes of the chapel retain their occasional and sacramental connection with the Church. The great patriarch of Methodism, John Wesley, who twice visited Man, wrote in his journal of 8th June, 1786: "Having now visited the Island round, East, South, North, and West, I was thoroughly convinced that we have no such circuit as this either in England, Scotland, or Ireland. Here are no Papists, nor Dissenters of any kind, no Calvinists, no disputers. Here is no opposition either from the Governor, a mild and humane man, from the Bishop, a good man, or from the bulk of the

clergy. The Isle is supposed to have 30,000 inhabitants. Allowing half of them to be adults, and our societies to contain one or two and twenty hundred members, what a fair proportion is this! What has been seen like this in any part either of Great Britain or Ireland?" Man yielded allegiance to Wesley in the 18th century as to Wycliffe in the 15th, and these two apostle Englishmen have had their national triumph in the home-foreign diocese, which is and is not of the Church of England.

Can "the golden mean of Anglicanism" be cultivated here to perfection as in a nursery garden? Is there no way to graft on the stock of Wycliffe the best buds of St. Andrews' and Canterbury, and to get some Wesley or Wellesley as leader-in-chief of the comprehension? While by all the available wealth and energy of the empire, weapons of war are being brought to perfection, is there no Napoleon of peace to turn effete weapons of political and ecclesiastical warfare into ploughshares and pruning hooks for the work of millennial peace? If the christian sects would by love and good works cease their warfare, the nations at their united call would embrace each other. Let the experiment be but fairly tried, and the success will be the jubilee trumpet to mankind.

If the future be the growth of the past, why should we despair of reaping in the future the mature crop of those seeds which the past has sown? Seven goodly national seeds have been sown, and have already sprung up in this Island. First, the seed of unity, civil and ecclesiastical, has been developed from the physical root up through its several stages to the purely mental; for the paternal power as a feudal despotism was by the Solon and Numa of the Isle, under the influence of Wycliffe,

put in train for development through the physical and spiritual power of Wilson up to the spiritual power of Wesley. Secondly, the anti-Papal seed has covered the Island, for by first putting down Papal power, the paternal insular power had no difficulty afterwards in dealing with priestly rites and dogmas. There is thirdly, the seed of self government, sown in the annual national assemblies of the Celts, cultivated by Scandinavian sea kings in their Tynwald Courts, not rooted up by Roman usurpation, and now under the shelter of England's faith and law. There is, fourthly, the seed of personal freedom, a Scandinavian importation indigenous to the hardy north; growing under the shelter of charter freeholds, revived by living christi-anity, and prepared for higher growth by clustering round a centre and striking its roots into the national constitution of old time and the court of all the commons of Man. There is, fifthly, the seed of national education. Bishop Wilson's compulsory system is yielding fruit. For while his clerical policy is effete and the small incomes of his clergy for which he was so zealous have been stereotyped by the Tithe Commutation Act, and are ever growing comparatively smaller, the mental power he evolved is ever growing greater; and the Manx schools receive a higher proportion of the Imperial funds than any diocese in England. There is, sixthly, a seed of good national law. The primary law written by the Creator on the conscience, is under the denomination of Breast Law, the central principle of Manx national law. This is still the *regula regulans*—the regulating rule of all ordinances, customs, decisions, precedents, statutes, and Acts of Tynwald. The Deemsters, with their Council of the twenty-four eldest and worthiest of all the land of Man, to this

day hold the right to deem, declare, and decide according to this catholic and primeval law of creation. The Puritan movement was powerless to reform the English laws, and the hand that seized the mace of the House of Commons was paralyzed in the Court of Chancery. Oliver Cromwell acknowledged that the lawyers, those "sons of Zeruiah, be too hard for me." But in Man one English statesman, at the head of the national assembly, having re-arranged the laws and courts, and by means of reformed law and courts having subdued the Papal power of his day, has opened the way now for a national reformation of the laws and their administration in the heart of the British Isles. And lastly, the principle of transition—of peacefully developing the future from the roots of the past, has shown itself strong in this Island. Druidical has been converted into Christian government,—Norse feudalism has expanded into Anglican Wycliffism,—High Church has branched out into Methodism. And in each transition the old has remained as the root and protection of the new, each furnishing a deposit of national good, which centuries of neglect and bad culture have not eradicated. Let imperial policy follow the leadings of nature and providence in choosing its experimental farm. Experiments for imperial progress in legislation, education, and government—moral, religious, and secular—may be here conducted safely, without expense, on a *corpore parvo* rather than *vili*, and all good generated here at the empire's heart will radiate to the utmost extremities. The seeds of the past wait only for wise culture, as the trees of Paradise needed Adam to dress and keep them.

Let it not be objected that the surface of Man is too small an experimental farm for cultivating these seven national seeds.

Are Geneva, Attica, Judea, and the patrimony of St. Peter much larger; and have they not furnished model seeds of good and evil that are sown over the surface of the globe? The third planet of our sytem is not the largest, any more than the third island of our own group, and yet this earth may be morally far greater than the gigantic Saturn. The heart of the British Isles may be more instructive in its past, and more morally influential in its future than empires like China and Russia, and continents like Africa and South America. "Go to the ant; consider her ways, and be wise." What industrial community is so well regulated as an ant's nest? What monarchy so well governed as the hive of bees? The little events of home affect us more than greatest affairs abroad. What imperial or universal history equals in interest or importance the Book of Genesis, which is chiefly made up of details of home? Man seems to have been placed by his Creator half way between the two infinities, the vast and the minute; and worlds of the microscope are nearer to us, more our own, and more instructive than those of the telescope.

One of the most popular writers of our century, speaks of this age as being the dawn of a new era, which is represented by two leading nations, France and Britain, neither of which can take the exclusive lead; and says that the religious distinctions between England, Scotland and Ireland, stop the progress of Britain:—"Theology being the basis upon which all christendom is founded, it becomes of necessity the tropical or turning point, before we come to which all policy, however hopeful and apparently changeful, is only old policy mended by expediency. The great obstacle to all improvement in this or any other country is the religious question. The whole system

of education at home and abroad is hampered by it: moral and sanitary reforms are rendered impossible by it: union and communion in great moral and philanthropic achievements of high character are forbidden by it: and there is no possibility of escaping from this into a unitary state of things but by the solution of it. This is the mountain; beyond it is Ultramontaniam; on this side of it is Cismontaniam. There is a passage, passible and preordained on purpose, and it is a very Simplon." The three religious systems of Monarchy, Aristocracy, and Democracy have taken separate possession of Ireland, England, and Scotland, but the vital principles of these three systems coalesce in the Isle that constitutes the British Geographical centre. Might not an Adams or Leverrier, who anticipated and discovered the new planet, anticipate here the Simplon pass to religious unity? The energy by which Napoleon completed the Simplon pass through the Alps might find a new Rome—a universal patriarchate. The world wide influence of Britain demands a suitable centre to its circumference; and in the centre of the British Isles there is a unitary nation, a nucleus to unite the west with the east, a boulder stone or fragment of the eastern world transported to the northwest, whose internal structure has less of the binary Romish characteristic of church and state, than of the Constantinopolitan idea of church and state unity.

The Editor begs to express his obligations to Mr. Burman for his examination of MSS. in Castle Rushen; to Mr. Sim, of the British Museum; to Dr. Oliver for the use of several documents; to Mr. Adamson, Her Majesty's Seneschal, for valuable information; and to Mr. William Bell, of Mount Vernon, for the fac-simile of the important Indenture of Sir John De Stanley.

Strathallan Villa, Isle of Man, 5th June, 1860.

CONTENTS.

Editor's Introduction	ix
Letter of the Seventh Earl of Derby, (reprinted from Peck's <i>Desiderata Curiosa</i>)	5
Acts of Sir John Stanley, (printed from a MS. in the British Museum) ...	69
Summary of the Acts of the Seventh Earl of Derby	103
Two Chief Acts of the Tenth Earl of Derby	119

NOTES.

1.—Prefatory Statements... ..	133
2.—Notices of the earliest Stanley King of Man	134
3.—Power of the Papacy in Man... ..	138
Paternal power—Druidical—Culdee—Papal σ . Feudal—Godred Cronan, captain of William the Conqueror—Benedictine Revival and Cistercian Monks—St. Bernard—King Olave's Charter to the Abbey of Furness— Cardinal Legate—Simon's Synod—King Magnus' Charter to Bishop Richard—Papal Interdict—Patriarch of Jerusalem—Man a metropolitan see, and the Pope at Avignon—Begging Friars—Seven causes of Papal decline in Man.	
4.—Notices of Sir John Stanley	147
5.—The Seven Anti-Papal Proceedings of Sir John Stanley	149
(1) Royal Commission	149
(2) Indenture (Frontispiece to this Volume)	150
(3) Code Stanley—its tenfold excellence as Anti-Papal Law	152
(4) Tynwald Day—Tynwald Panorama, A.D. 1422—Analysis of the Tynwald Programme	157
(5) Court of all the Country at Benurling—Rights of Nations, Popes, and Churches—Home and Foreign Commissions of Our Lord—Judge Blackstone and St. Thomas Aquinas—The Bishop does homage—Five Ecclesiastical Baronies forfeited—Hawley MacKissack condemned to death... ..	167

(6) Sir John Stanley confirms the Bishop's Charter, with a reservation ...	176
(7) Court of all the Commons of Man—Its proceedings as the Supreme Legislative, Criminal, and Ecclesiastical Court—Catalogue of the Manx House of Commons	178
6.—Subsequent Influences hostile to Sir John Stanley's Legislation ...	188
English Greatness of the Stanleys—Cardinal Beaufort—Bull of Pope Calix- tus—Cardinal Wolsey—Bishop Huan—Anne Boleyn.	
7.—Text of Sir John Stanley's Acts in Castle Rushen and British Museum	193
8.—Legislation of the Seventh Earl of Derby	194
Papal Tendencies of the Stuarts—The Earl's own qualities—His Seven Legislative Steps, as related to Despotism, Oligarchy, the Church, and the Commons—Substitute for Representatives—Grave Charge as to the Charterlands—Allodial and Feudal Tenures—The Insular Entail Act of 1610.	
9.—Legislation of the Tenth Earl of Derby	204
Governor-Bishop Isaac Barrow—Brigadier of King William and High Church Bishop—Rights of Charterlands restored by Act of Settlement— Episcopal Claims sanctioned by Tynwald 1703—Twenty Years' Conflict —John Wesley—Christian Union on domestic basis for national progress.	
10.—Miscellanea	217
A few Historical Notices bearing on previous statements.	
11.—Policy of the Ecclesiastical Constitutions of A.D. 1703, recently revived	222
Extracts from Episcopal Charge of 1860—Specimen of Bishop Wilson's Policy, 1710—Letter of the last Stanley King of Man.	

HISTORY AND ANTIQUITIES

OF THE

ISLE OF MAN,

BY JAMES STANLEY,

EARL OF DERBY AND LORD OF MAN;

BEHEADED AT BOLTON, 15 OCT., 1651.

With an account of his many troubles and losses in the Civil War, and of his own proceedings in the Isle of Man, during his residence there in 1643; interspersed with large and excellent advice to his son—Charles Lord Strange—upon many curious points; from the original (all in his Lordship's own hand writing) in the hands of the Honourable ROGER GALE, Esq.

The whole divided into Chapters, and illustrated with Contents Notes, Introduction and Appendix, collected by the Editor.



INTRODUCTION,

CONTAINING SOME ACCOUNT OF THE AUTHOR, FROM

SIR WILLIAM DUGDALE.

JAMES STANLEY, Earl of Derby (author of the following treatise) was a person highly accomplished with learning, prudence, loyalty, and true valour; whereof none to whom he was well known are ignorant.

To pass by the great state wherein he lived whilst this realm continued in peace, and his wonderful hospitality; he was one of the first who repaired to the late King Charles I. at York, when, by reason of the dangerous tumults at Westminster in the beginning of the year 1642, his Majesty became necessitated to retire thither.

Whence being ordered back into Lancashire, to prepare for that King's reception, upon a resolution taken for setting up the

royal standard at Warrington, he forthwith mustered the whole county on three heaths near Berry, Ormskirk, and Preston, where he had an appearance of at least twenty thousand men at each place; intending the like course in Cheshire and North-Wales, by virtue of his commission as Lord-Lieutenant in those parts. But, in this interim, the place resolved on for erecting the standard being changed (to the great disappointment of the King's faithful subjects in those parts, and the no less encouragement of his enemies), it was set up at Nottingham. Where the countries not coming in so freely as was expected, the King, by special letters, desired his Lordship to raise what men he could, and to hasten to him. Whose answer was, that he would do his best; but that the case was then much altered, a great part of the country resolving to stand neuters, and that many others had already joined with the rebels, and seized upon Manchester.

All this notwithstanding, amongst his own tenants, dependants, and private friends, he raised three regiments of foot and three troops of horse; which he clothed and armed at his own charge, and then posted to the King at Shrewsbury for orders how to dispose of them. Whereupon his Majesty, commanding him to return, and forthwith to make trial of one smart assault upon Manchester, and then, whether he mastered that town or not, to march up to the general camp,—he repaired to those his forces, drew up before that town, and, upon his summons thereof it refusing any treaty, directed an assault at four of the clock the next morning, with hopes to carry it. But that very night receiving commands from the King to haste to him, in two days' space he brought up his regiments and troops to his Majesty. Which being disposed of under the command of other officers,

he was desired to return back, and take what care he could of the country.

Hereupon the party then sitting in Parliament at Westminster made offer to him of the largest terms imaginable, in case he would come in to them, or quit the King's service. But to this he answered, "When I turn traitor, I may hearken to these propositions; but, till then, let me have no more of these papers, at the peril of him who brings them." This being the second time they had in that kind attempted him.

By this time the enemy having garrisoned the towns of Lancaster and Preston, and in a manner brought the whole country under their power, his Lordship set himself to fortify his own house at Latham. And, though his arms and magazine were gone [how, you will hereafter hear,] made shift, with the assistance of his friends, to cut off three companies of the enemy on Houghton Common; as also to take Lancaster and Preston by storm. In the former, leading on his men himself, with a half pike in his hand (after one repulse) to the second assault, which did the business. Manchester having, in all probability, followed, had not his auxiliaries and his own forces been called away in that very nick of time when he was ready for the attempt.

Soon after this, upon information that the enemy had a design upon the Isle of Man, he was ordered thither for the security of that place. And went accordingly; having first made some necessary provisions of men, moneys, and ammunition, for the protection and defence of his incomparable lady, at Latham, to whose charge he committed his children, house, and other his English concerns.

During his residence in the said Isle he wrote the following

account thereof, and of his own proceedings there, by way of letter to his son, Charles Lord Strange, and had he not been prevented by the troublesomeness of the times, had much farther enlarged it. But he was soon called away thence into England again, to relieve his noble lady, children, and other friends, then closely besieged at Latham. Whereof hereafter.

CHAPTER I.

- 1.—*The Isle of Man sometime governed by Kings, natives of its own.*
- 2.—*Druids there—Converted by St. Patrick.*
- 3.—*Given by Henry IV. to Sir John Stanley—He and his heirs styled Kings till Earl Thomas II., thence only Lords.*
- 4.—*Disputed between the three daughters of Earl Ferdinand and his brother William—Settled by Act of Parliament (through Cecil, Earl of Salisbury, and his niece the Countess of Derby's means) on William, with the words jura regalia, &c.*
- 5.—*The Bishop,*
- 6.—*and Governor, chosen by the Lord, which last is Chancellor—Two Deemsters (or Judges of Common Law) and Twenty-four Keys, natives.*

THE Kingdom of Man belongeth to the House of Derby, in which family the Lord continue it while men live on earth. It hath heretofore been governed by kings, natives, and others. Sometimes conquered, and (sometimes) gallantly defended; as in story you may read.

2. There have certain wise men dwelt there, who were called Druids, of whom be many pleasant tales. Among other matters, they had skill by enchantment to make mists, whereby they hid themselves from their enemies; at other times offended them. But when St. Patrick, or some holy man (as divers do believe), came here, they had no farther power; but, being taught Christianity, became Christians, and so have continued to this day.

3. It was given by Henry IV. to Sir John Stanley, who was called King of Man, and so styled himself and all his successors to Thomas II., Earl of Derby, as appears by several writings

under their own hands.* But since, of modesty or policy—I know not well which,—they have called themselves only Lords of Man.†

4. Upon the death of Ferdinand, Earl of Derby (who left three daughters and no son), it was disputed betwixt the coheirs and William, brother to Ferdinand. In King James's time the matter was ended, and, by Act of Parliament, it was settled to William and his son James, and their heirs for ever. Robert (Cecil), Earl of Salisbury, was a good friend in the business; and Elizabeth, Countess of Derby (wife to William, daughter to the Earl of Oxford, and niece to the said Earl of Salisbury), did follow that business also very close. It is confirmed by the said Act of Parliament unto the House of Derby, with the words “jura regalia,” &c., and as full of power as Sir John Stanley had it.‡

* In the 7 Henry IV., upon the forfeiture of Henry Percy, Earl of Northumberland, Sir John Stanley being sent to seize the Isle of Man, formerly given to that Earl, obtained a grant in fee of the same isle, castle, and pele, and all the isles adjacent; as also of all the regalities, franchises, and rights thereunto belonging, and patronage of the bishopric there; to be held of the King, his heirs, and successors, by homage, the service of two falcons, payable on the days of their coronation.—*Dugd. (a Pat. 7 H. 4 M. 18) II. 247 b.*

† Thomas came to be earl 1 Edward IV., and the Isle of Man and title of king being given to his ancestors by Henry IV. (the chief of the House of Lancashire, who took it from Northumberland, a friend of the House of York), it was very prudent in Earl Thomas II. (now Edward IV. the chief of the House of York was come to the Crown) to waive his title of king, and content himself with that of Lord of Man.

‡ Upon the death of Ferdinand, Earl of Derby, who had three daughters—Anne, married to Grey Bruges Lord Chandos; Frances, to Sir John Egerton, Knt. (afterwards Earl of Bridgewater); and Elizabeth, to Henry Lord Hastings (afterwards Earl of Huntingdon)—William, his brother and heir male, succeeding him in his honours, a dispute arose betwixt those heirs female of him, touching the title to the Isle of Man. Queen Elizabeth, therefore, not being ignorant that not only divers runagates of the English, but Spaniards (her enemies) might resort thither, committed the charge thereof to Sir Thomas Gerard, Knt. (afterwards Lord Gerard), till that controversy should be judicially determined. The decision of which point being brought before her learned council, they declared that the right thereof did solely appertain to her Majesty; and that the Stanleys

5. The Bishop is chosen by the Lord ; the Bishopric is in the province of York.

6. The Lord appoints a Governor—sometimes called Captain, sometimes Lieutenant—who hath the power of the Lord in his absence. He keepeth the Chancery Court, where he sitteth Judge. There be two Deemsters or Judges also, chosen by the Lord ; most commonly natives, by reason of the language. They be Judges of the Common Law. There are four-and-twenty called Keys, who, in all great matters concerning the country, are advised withal. Sometimes there be four of every parish joined with them, by order of the Lord, when any great matter concerning the land is in hand. But more particularly

and Earls of Derby had no good title thereto ; by reason that King Henry IV., shortly after he attained the crown of this realm, upon the outlawry of William Scrope (then Lord thereof), bestowed it on Henry, Earl of Northumberland ; and, upon his rebellion (about six years after), granted it to Sir John Stanley for life, Northumberland not then being by Parliament attainted, nor his possessions adjudged to be confiscate ; as also, for that (about a month after) Stanley and the King agreed that those letters patent to him for his life should be surrendered and cancelled, and that he should have an estate thereof in fee. So that, considering the grant for life was before such time as the King was legally entitled thereto by Northumberland's attainder, they pronounced that the King could not pass unto him any estate for life ; as also that the other grant, which had its foundation from the surrender of the estate for life, could not be of any validity. Whereupon the Queen referring them to the law, this Earl came to an agreement with those heirs female (daughters to Ferdinand, Earl of Derby, before mentioned), paying them divers sums of money to quit their claim thereto ; as also with Thomas Lord Ellesmere (then Lord Chancellor of England), and Alice, his wife, widow of the same Earl Ferdinand. And, as to the King's title, obtained a grant from him of the said isle, with all the regalities belonging to it, unto himself, and to the Lady Elizabeth, his wife, for life ; as also to the survivor of them ; and after that unto James Lord Stanley (for so he is called), his son and heir, and to the heirs male of his body ; the remainder to Robert Stanley, younger brother to the said James, and the heirs male of his body ; and for default of such issue, to the heirs male of the body of the said Earl. Which grant bears date 7 July, vii. Jac. I., and was ratified, together with that agreement with the coheirs before mentioned, by a special Act of Parliament, dated 9 Feb., vii. Jac. I., as by the record thereof returned into the Chancery, by writ of *certiorari*, bearing date 30 July, viii. Jac. I., appeareth.—*Dugd., Bar.* vol. ii. p. 250 b.

hereof if I have leisure [when] I will annex hereunto some more perfect description of this Island and laws. And, before I proceed farther in my intended discourse, I think fit to tell you, as briefly as I can, the occasion of my coming thither this time.

CHAPTER II.

- 1.—*The state of the rebellion in 1643—The King's character.* 2.—*The Earl of Strafford's trial—Imprisonment of the King's children.* 3.—*The rebels' mocking of the King, and of God himself, touched.* 4.—*A civil war always the worst, especially in Ireland.* 5.—*The Earl's own sufferings.* 6.—*Beloved by his neighbours, of whom he raised 3,000 men for the King's service, who lend all their arms to the King, which they lose, as also the money allowed for them.* 7.—*The rebels in Lancashire, encouraged by the Parliament, fortify Manchester, and harass the disarmed loyalists; yet the Earl keeps the greatest part of the country honest, till sent by the Lancashire gentry to request aid of the Queen at York.* 8.—*In his absence the enemy subdue the whole county, Latham House and Sir John Girlington's excepted—And, Newcastle being defeated at Wakefield, no aid to be had—The remains of his Lancashire forces follow the Earl to York—Where he is informed of a design on the Isle of Man by some Scots; 9,—and advised to go thither; but chooses rather to assist in guarding the Queen to the King at Oxford.* 10.—*Till fresh letters coming that the islanders were ready to revolt, were all taking the covenant, had rescued some prisoners committed by the Governor, had invited strangers to come in, and that a guard-ship of the Earl's was taken by a Parliament squadron, he, with the Queen's leave, repairs thither.* 11.—*Whereupon some, not knowing how things stood, think him a deserter, or at best but a neuter; both which he disclaims.* 12.—*What he here writes as to these matters is only to satisfy his son, 13,—whom he commends.*

IT hath been the will of God that in the year 1643 (wherein a general plague of madness possessed the minds of most

men in Christendom, of which the dominions of the King in Great Britain have most reason to be sensible) his subjects there, by so long a peace being unacquainted with the miserable effects of war, grew weary of their good condition, and stirred their hearts unto a rebellion against the most virtuous, pious, and clement prince that ever England had.

2. So, beginning in Parliament to shew a thirsty desire of human blood, they first accused the Earl of Strafford; and, his Majesty giving way unto a fair trial against him, the people made bad use thereof. For, like wolves that, after their first tasting of man's blood, grow bold, and rather mad of more, so do they. But, worse than beasts, they make no difference of drinks. For they be now become ravenous of royal blood, and have shewed the same in warring against their prince; taking some of his children prisoners, and seeking his life several times.

3. Yet worse, they mock him daily. For they say, It is for good unto him. But they mock God also. For they call Him unto witness daily of His own dishonour; pretending they fight His quarrel, for the Gospel, &c.

4. This hath caused a civil war, which, of all sorts, is most unhappy; but worst in England and islands, than other countries. The reasons are plain. And what commotions were in Scotland!—what calamities in Ireland!—what continual groans in England (when we are dead), after ages will know best! Meanwhile we English feel the worst that ever nation did. Nor can any story tell so foolish, so wicked, so lasting a war in England.

5. All this I speak, because my share is great in this calamity. But I have suffered for God's sake, for the King, for my country, and my honour; so as I repent me not. And I expect the Lord will shortly say to the destroying angel, It is enough. *Amen.*

6. I was happy, in the beginning of this war, to have the general applause of my neighbours, as one they would like to follow, as they did my ancestors before me. But, whether was more in their minds to continue a custom, or that they loved my name, or my person, I will not say; this I know, there were

3,000 good men of my raising went forth of Lancashire and other places of my lieutenancy; and my sorrow, to see the King in so bad a condition, did make me, and all well affected to a good cause, to spare no cost or hazard whatever to assist him in his so just a quarrel. So as we lent the King all our arms; and he graciously gave his warrant that we might receive as many from Newcastle, for the defence of our countries. But some body was in fault, so that his Majesty's warrant was not obeyed, nor we secured by arms or ammunition. Also his Majesty did allow a sufficient sum of money, which some of his servants kept for other uses. I will not take occasion hereby to fall upon particulars. But this will be justified, that the King had good intents for us; that I have discharged a good conscience in all; and my honour is safe, in spite of the worst detractors.

7. God would punish us with a general judgment, and the best of us, in every one's particular, have deserved no less. Hereby those ill affected in Lancashire grew proud, and the baser sort thought it a fine thing to set against the great ones. But they have done so unto our King; wherefore I will less marvel. The Parliament encouraged and assisted them with money and ammunition, with which they fortified the town of Manchester. From which the ungodly rebels have sallied divers times on them who were naked, without arms, and could not resist them. While we expected help, they insulted. So as we were forced to many desperate services, wherein God did marvellously bless us; and, unless He would please to work more miracles than He ever did since Christ, I hardly can imagine how the country could be kept. Yet He shewed to those rogues that all their strength could not so soon bring to pass their great ambition; but I, making head with those who durst take my part on so uneven terms, kept the greatest part of Lancashire in spite of them. And, knowing that the Queen was at York with great forces, a part of which might easily reduce our country, and enable us to raise great forces for his Majesty, it was therefore desired by all the gentry that I would go to the Queen,

representing their necessities, and the great good unto herself and those parts by helping us ; which I did, leaving yet some considerable forces in Lancashire under the government of the Lord Mollineux and other of our side (with whom nevertheless is a large story of the great troubles I had with them, as well as with the enemy, before I could possibly return).

8. In my absence the enemy possessed themselves of the whole country, saving my house and Sir John Girlington's. The misfortune happening at that very time to my Lord Newcastle, at Wakefield, prevented the Queen's good purposes, who promised me part of those forces ; so as the [Lancashire] troops yet remaining [took their] journey towards York, conceiving to have found me there ; but, ill fortune, which seldom comes alone, made now the proverb true. That same time a report was got of some Scots, intending to assist the pretended Parliament of England, that they would land in the north, and, by the way, do their endeavour to get the Isle of Man ; which doubtless had been a great inconvenience to his Majesty's affairs, for many reasons.

9. Hereupon I was advised to go immediately for the Isle of Man, to secure it for his Majesty's service, as well as in wisdom to preserve my own inheritance. But I gave no heed to that report, but continued my desire to wait upon the Queen in her journey to Oxford, where his Majesty then was.

10. Meanwhile I received letters from the Isle of Man, intimating the great danger [of a revolt] there ; for that the people had begun the fashion of England in murmuring, and by some damned spirit had been taught the same lessons as I have known in London, to come in tumultuous manner, desiring new laws ; a change of the old ; that they would have no bishops ; pay no tithes to the clergy. They despised authority, and rescued some committed by the Governor for such insolent behaviour, and the like. It was also feared that they had discovered themselves thus far, thereby to invite some strangers into the island. It was bruited also that a ship of war I then had for the defence of

this isle was taken by Parliament ships ; which proved true. All these considered, it behoved me to prevent the mischief betimes, both for his Majesty's service and mine own good. Her Majesty, and those with her, rightly weighed the danger ; as witness my Lord Goring, Lord Digby, Lord Jermyn, Sir Edw. Deering, and many more ; all who were of opinion that my coming hither was necessary ; and accordingly I did.

11. Thus far have I digressed from my intended discourse, to take off that objection if I were asked, when every gallant spirit had engaged himself for King and country, why I left the land, so wicked as to desert the cause, so simple as to become a neuter ? and many such like questions ; for all which I have here given some reason, which may easily content myself, who remember well all the forenamed circumstances.

12. How others may be pleased herewith, I know not ; [but] rather think these short relations may more puzzle their minds, if any chance to see this but you, my son, who are bound to believe well of your father.

13. But I am bound to be thankful to the Almighty that so well you understand yourself and me. But, I thank God, I fear none who understands me, or understands me not.

•

CHAPTER III.

- 1.—*The Earl's coming very opportune, 2—who had a good lieutenant (Capt. Greenhalgh) there, or else the Island had been lost—Cautions about favourites. 3.—The lieutenant's politic management to prevent a mutiny. 4.—The master's understanding discernible by the choice he makes of his servants—Many great families undone by bad servants.*

THE Almighty sent me in good time hither; for by most it was believed a few days had ended the happy peace which this island had so long enjoyed.

2. When the people knew of my coming they were much affected with it; as all strange and new things usually do please the common sort. This good I found, that my lieutenant, ere my coming, had most wisely managed the business and exercised his patience, seeing so general a disorder among the people, who he knew were to be won as you tame wild and sturdy beasts—by scratching and clawing; not too violently wrestling, lest they know their own strength and turn. And who so powerful a prince that, if a multitude do set against him, being alone or with a few, can well be able to resist? As it is not therefore good that the common people know their own strength, so is it safest to keep them ignorant of what they may do, and give them daily occasion to admire the power of their lord. And this is to be done when he often exercises his justice and his mercy: the one, without too much rigour, and still according to the laws; the other, without softness, and upon fit objects also, to make it ever his own act. For, an act of grace, or whatever is good and pleasing, must come immediately from yourself. And therefore let it never be known that such a particular one hath power, or

needs persuade you to what is good. And, for this purpose, if you be jealous that the world thinks such a one your adviser, be sure sometime to deny that man something; that all men may take notice thereof, and that reason is your ruler. If anything prove harsh, of that let any bear a share. And when you deny or afflict, let another's mouth pronounce it.

3. The captain, before my coming, when he thought to terrify the people by imprisoning a saucy fellow in the face of the rabble, observed them very resolute; and some spake it aloud, that they all would fare as that man did; which he warily did not seem to hear, but then only threatened that man to lay him by the heels, and, if he continued in that saucy manner, he would punish him severely; knowing very well that, if he had imprisoned him at that time, then the rest had rescued him; which would have made them see their own power, and how little his staff of office could annoy them. He then, therefore, broke up the court, adjourning it to another time; wishing them, in the meanwhile, to set their complaints in writing; and, with good and fair words (as he can well do it), promised to redress all their just grievances as far as lay in his power, and for that purpose would send over immediately to me on their behalf, without whom, he told them, no law could be changed. Whereat, for the present, they were very well satisfied, and so went every man to his home.

4. Hereby you may observe, first, the benefit of a good governor here. And so indeed is it of any servant in any office of trust. For the first conjecture one usually will give of a great man and of his understanding is, upon sight of his followers and servants, whether they be able and faithful; for then is he reputed wise, as having knowledge to discern. I know many great families of England ruined, that when I have asked the reason, usually the answer was, "In good faith, it is great pity: he is well born—hath had many gallant gentlemen of his own name; he himself is an honest gentleman—very kindnatured, and very liberal; but hath ill servants." He might as well have said, in short, His lordship is a very fool, and his men be knaves.

CHAPTER IV.

1—2—3—4—5—6—7—8—*The Earl's reasons for choosing Capt. Greenhalgh his lieutenant.* 9—10—*How best to deal with the multitude in case of a tumult.*

THESE be the reasons for the choice I made of Captain Greenhalgh to be governor here.

2. First, he is a gentleman well born, and such will usually scorn to do a base act.

3. His ancestors have formerly dwelt in my house, as the best, if not all the good families in Lancashire have done. This certainly might breed a desire in the man that the house where his predecessors have served might still flourish; and, belike, he would willingly endeavour to be an instrument thereof himself.

4. He hath a good estate of his own; and, therefore, need not borrow of another; which hath heretofore been a fault in this country; for that governors who have wanted were forced to be beholden unto those that, may be, were the parties most offending against Lord and country. The borrower becomes servant to the lender.

5. He was a deputy-lieutenant and justice of peace in this country; in which places he did his King and country good service; and with good reputation.

6. He governed his own affairs well; he was, therefore, much more likely to do mine so.

7. He hath been approved valiant; and is, therefore, fitter for your trust.

8. He is such, that I thank God for him; and I charge you love and cherish him.

9. When the people are bent to mischief, it is folly openly and rashly to oppose them, but in what you be sure to make good with sufficient power of force, &c. Neither is [it] discretion to yield to them too much. For reason will never persuade a senseless multitude. But, keeping your gravity [and state], comply with them; and, as the Captain did, defer the matter, making them believe you will forward their own desires; by which you may take time to compass your own. Seem, for the present, as if convinced with their reasons, not with apprehension of the least danger from them. By the next meeting you may have, underhand, taken off some of their chief champions, either by good words (feeding them with some hopes), or haply a reward. If none of these will do, you may cut them short of their journey another way, and entertain them in your castle.

10. It is to be noted what great care the Captain had to keep up my authority, and to awe the people with the same; which he did not in any threatening manner; for so it might have occasioned the people, in that mad mood, to oppose the same by some daring deeds or words.

CHAPTER V.

- 1.—*The Earl's advice to his son about choosing a good bishop.* 2.—*Improving the bishopric.* 3.—*Obliging the bishop to residence.* 4.—*The danger of a factious bishop.* 5.—*The Earl's design of a University in the Isle of Man.*

NO subject that I know hath so great royalty as this. And, lest it be thought too great, keep this rule, and you will more securely keep it. Fear God, and honour the King. Have this in your thoughts, first, to choose a reverend and holy man to your bishop, who may carefully see the whole clergy do their duties.

2. It hath been a custom heretofore that such persons have been chosen to the place who were already beneficed in England, to the end they might better be enabled to live with reputation and honour to the country. But I have considered a farther matter in it. For, by the law and custom here, the Lord and bishop agreeing might lease any part of the bishopric for twenty-one years, for lives, or farther time, &c.; which hath usually been done, and at this time it is so. Whereby, you see, few bishops have at any time enjoyed the full benefit, and have contented themselves to be called lords. But in a few years the leases will be expired, and then the bishopric shall be worth the having. And, considering the cheapness of the place, I know few bishops in England can live better than he, the whole being entire. Nevertheless, I would not lose the power hereof; but, to keep up my prerogative (unto which, of all things, have a most especial regard), you may give way to leasing some petty thing or other of little moment.

3. One of the chief things I herein consider is, that if the greatest part of the bishopric be leased, you will find few worthy men desirous of the place. And, if men be beneficed already, they will seldom live in the isle, which indeed I would have the whole clergy obliged unto; for so will they do God more service; they will relieve and instruct the poor people better.

4. Have also great care that this bishop be not of a factious spirit. And let them be of your own choosing, rather than recommended to you; so will they have the only obligation to yourself, and have no dependency of another. For it may displease you if they talk too much of York, as some ill chosen heretofore have done.

5. I had a design, and God may enable me, to set up a university, without much charge (as I have contrived it), which may much oblige the nations round about us. It may get friends unto the country, and enrich this land (of which some share in time will come to the Lord's purse, as is most certain thereby will much credit). This certainly would please God and man. But of this I shall tell you more when [it] please[s] the Lord to settle me again in mine own.

CHAPTER VI.

1—2—3.—*Reasons for the Earl's not assuming the title of King of Man.* 4.—*The great commendation of Edward, Earl of Derby ;* 5,—*his economy, carriage, clothes, &c.* 6.—*The author exhorts his son to be strictly loyal.*

SOME think it a brave matter that the Lords hereof have been called Kings. I might be of that opinion, if I knew how this country could maintain itself in spite of other nations, and that I had no interest in another place. But hereof I am much unsatisfied. And I conceive that to be a great lord is a more honourable title than a petty king.

2. Besides : it is not for a king to be subject, but to the King of kings. Nor doth it please a king that any of his subjects should too much love that name, were it but to act it in a play, especially some families more than other.

3. There never was a wise subject who would willingly offend his king. If from the prince offence were given, he would rather humble himself before him, as the only means to recover favour ; without which no subject can imagine to live safe or with honour.

4. I have read great commendation, in the *Chronicle* of Stow, of Edward Earl of Derby, who, in the most ticklish times, could keep favour with his prince ;* as in that of Henry VIII., Edw.

* The passage in Stow is this—"Nov. 24, 15 Eliz. [Dugd. says Oct. 24, 14 Eliz., 1572], Edward E. of Darby, Lord Stanley and Strange of Knocking, lord of the Isle of Man, knight of the most noble order of the garter, and one of the queen's majestie's privie counsell, deceased at his house called Latham, in Lancashire. His life and death deserving commendation, and craving memorie to be imitated, was such as followeth.

VI., Queen Mary, and Queen Elizabeth. God be thanked, we have now a blessing of so gracious a king, that I doubt not but he and his will be good to me and mine, as our predecessors have been faithful unto his. There is no fear, I hope, of tyranny and cruelty under his government, as in the time of Richard III., when Thomas Earl of Derby, by his direction, was near to be murdered; and his son, the Lord Strange, also was in danger of like death.* For which, and such like feats, Henry VII. (whose mother Thomas married) did get his crown so early.†

"His fidelity unto two kings and two queens in dangerous times and great rebellions; in which time (and always as cause served) he was lieutenant of Lancashire and Cheshire; and lately offered 10,000 men to the queen's majestie, of his own charge, for the suppression of the last rebellion.

"His godly disposition to his tenants, never forcing anie service at their hands but due payment of their rent.

"His liberalitie to strangers, and such as shewed themselves grateful to him.

"His famous housekeeping; 220 in check-roll; never discontinuing the space of 42 years.

"His feeding especially of aged persons, twice a day, 60 and odd; besides all commers thrice a week, appointed for his dealing-dayes; and everie Good-Fridaie these 35 years, one with another, 2700 with meat, drink, money, and money-worth.

"There was never gentleman or other who waited in his service, but had allowance from him to have as well wages as otherwise for horse and man.

"His yearly portion for the dispenche of his house, £4000.

"His cunning in setting bones disjoynted or broke.

"His delivery of his George and seal to the Lord Strange, with exhortation, that he might keep it so unspotted in fidelitie to his prince as he had; and his joy that he died in the queen's favor.

"His joyful [de]parting this world; his taking leave of all his servants by shaking of hands; and his remembrance to the last.

"He was buried at Ormeskirke on the 4 of December, in most honourable manner."—*Stow*, fol. edit. p. 672 a.

* When Richard III. (then only Duke of Gloucester) arrested the Lord Hastings in the Tower, "a man in harness let fly at the Lord Stanley, who shrunke at the stroke, and fell under the table, or else his head had been cleft to the teeth; for, as shortly as he shrank, yet came the blood about his eares."—*Stow*, fol. edit. p. 448 b.

† "When K. Richard was come to Bosworth [to fight Henry Earl of Richmund] he sent a pursivant to the Lord Stanley [who hovered, with his followers, near

5. But, for pattern, follow Edward, who left so excellent a name behind him, that no vice or fault is of him at all remembered. He was ever faithful to the crown, and took great glory in it (which I pray may be your pride). He was an excellent economist, to maintain which he looked carefully to his estate; for he never exceeded his comings-in, but died rich. He bred up many youths of noblemen, knights and esquires' sons (such reputation had he of good government in his house! and the same obliged many families unto it). The country was his home; but [he was] no stranger to the court. He was familiar, but not cheap. He was observed to wear the plainest clothes, but always in the fashion; not too much, or too little, or too soon, or too late. Enquire more of him, and you may learn more by him.

6. To conclude this latter counsel, take for sure, that it is your honour to give honour to your sovereign. It is safe; it is comfortable. Therefore, in all your actions let the same appear. In this isle let him be prayed for duly. Let writings and oaths of officers, soldiers, and the like, have relation of allegiance unto him. I hope in all here already there is good provision; if not, God willing, there shall: I will have it done.

both armies] to come and joyne him, which if he refused, he sware by Christ's passion that he would strike off his sonne's head [whom he had then in his hand, as a hostage for his father's good behaviour]. The Lord Stanley answered, if he did so, he had more sonnes. Whereat K. Richard commanded incontinent to behead him. But his counsailors perswading that it was now time to fight, and not for execution, it was forborne."—*Holling.*, vol. ii. p. 1423.

CHAPTER VII.

- 1.—*The Earl's design to encourage trade in the Isle.* 2.—*The great advantage of it,* 3.—*and its proper situation for it.* 4.—*A finer country than he expected to find it; wherein he was deceived, and by whom.* 5.—*Knavish servants, one mark of them.* 6.—*His observations on the countenances of those who came to bid him welcome.*

THIS Isle will never flourish until some trading be. And, though you may invite strangers or natives to be merchants, yet never anything will be done to purpose till yourself do lead; and therefore get some sum of money; as, God willing, I shall. For I rather will sell land in England than miss so excellent a design.

2. There is no doubt but hereby you may grow rich yourself, and others under you. Your people may be set a work, that in short time you will have no beggars. Where one soul is now, will be many; every house almost will become a town; every town as a city; the Island full of ships, &c. The country is so seated, as I cannot conceive but all this is very feasible.

3. When I go on the mount you call Baroull, and, but turning me round, can see England, Scotland, Ireland, and Wales, I think shame so fruitlessly to see so many kingdoms at once (which no place, I think, in any nation, that we know, under heaven can afford such a prospect), and to have so little profit by them.

4. But I have considered hereof, and find, as I think, the reason. The country is indeed better than I was told; for which I blame myself, that I formerly inquired so little of it. For,

indeed, he who seeks not to know his own, is unworthy of what he hath. But I well remember who told me it was so little worth ; even those who had thriven by it.

5. A master whose servants prosper under him is commended. But when they thrive unknown to him, and he thrives not also with them, the wisdom of one and the honesty of the other will be suspected.

6. At my first arrival in this country, I observed much the countenance of them who did bid me welcome ; and the eyes are often glass-windows through which you may see the heart ; and though I will not presently censure by the look, I will not neither neglect some judgment thereof. So it is, that your eyes must be ever open to see others' eyes, their countenances, and actions ; your ears must listen to all is said, even what is whispered. For to this end God gave you two eyes and two ears. So, also, you have but one tongue, to the end you speak not much ; for, speaking much, you are sure to say something vain. Also, you will be troublesome to your companions. And I never knew a prattler without repentance.

7. I perceived easily many different humours. Some, truly glad of my coming ; others, as much troubled, and yet, it may be, shew[ing] more signs of joy [than the first]. And usually it falls out so ; for when men suddenly will make believe to be what they are not, they will overact their parts. As, among the rest, I marked one that would laugh and fleere, and say so very much, how blessed this Island was now that I tread upon it ; and many like fustian words to that purpose. I made him believe that I believed him. But I remember though his saying, that when you see one go by his usual path, look to him.

CHAPTER VIII.

1.—*Connection.* 2.—*The Earl appoints a meeting of the natives ; every man to give in his grievances.* 3.—*Upon which some think to outwit him ; which he winks at ;* 4, 5, 6—*being not ready for them ;* 7—*therefore, cajoles and divides them.* 8.—*On the appointed day he appears with a good guard ; the people give in their complaints quietly, and retire.* 9.—*Advice to his son about answering petitions.*

IT is fit to have charity to think all men honest ; but it is wisdom to suspect the most. And, being it is certain that the greatest number of men are bad, I may fear that few be good.

2. The sure way for a right knowledge in this case I do conceive to be the course I took—to appoint a meeting in the heart of the country, wishing every man freely to tell his grievance ; that I would hear all complaints, and give remedy the best I could.

3. By this means, those who had bad designs conceived that by such leisure they might find excuses to justify themselves, and how to lay it on other men. And they imagined to flatter me into a good opinion of them ; which I gave them leave to think a very easy matter, because of my good, easy nature.

4. And thus I rather chose to give them those hopes, than suffer some sudden and violent course, which desperate persons might have fallen into before I could be rightly provided for them. And, indeed, I feared that so many engaged by oath and covenant, after the new manner (after the way of Scotland, the

last rebellion), would not very easily be made to understand their error.

5. One saith, *Insipiens esto cum tempus postulat aut res* ; and it was no wisdom (if a man had to spare) at that time to shew much of it to the people. But I acquainted the Governor and some whom I trusted, that I would secure my forts and castles, and then I would boldly reason with them.

6. I remember well who said, that tumults are easilier allayed by undaunted men than wise. For people more esteem the breast than the brain ; and are sooner much compelled than persuaded.

7. Nevertheless, matters were not yet so ripe as I wished them, and I thought it not amiss (because I could not possibly make believe that I was altogether ignorant of these proceedings) to address myself even unto the parties who were chief actors in the business, telling them somebody was much to blame ; I knew the people were misled and misinformed ; that it would be an acceptable service in those who could bring them off it ; and if, by some under-hand means, they could get the common sort persuaded, it would hinder my farther searching in the business ; and something to this purpose. So that thereby I do imagine some were glad of this occasion to bring themselves off the business ; others, to think they might go on by leisure,—for I was a good body, who wished peace, would easily forgive offences, and therefore they might try yet farther what could be done. And some did really confess their faults, and discovered to me the whole designs. So as I made one good step into business, which was to divide the faction ; calling to mind the old proverb—*Divide et impera*.

8. When the time came that the people should present their grievances, I appointed the Castle Rushen, a strong place ; where, a few days before, I entertained into the garrison some soldiers (whom I brought with me out of England), and some commanders (who kept me company that day), though without any sign of the least apprehension of the people. The captain

having been a while before affronted, I expected then some such like behaviour of some idle fellow, who I believed then might have been a good example. But each parish gave me a petition of their several grievances ; and I gave them a few good words, promising to take the same into consideration ; and they parted fairly.

9. By the way this. When any petition is given in public, I do think it dangerous to give a present answer ; unless it be a very easy matter. For otherwise they that come to you with the same have armed themselves with proofs and motives already, and you in that may do something on the sudden which afterward may repent you ; or, if you reason with them, you run a hazard. Sometimes a good cause is spoiled with bad handling. And there may be shame.

10. I would therefore advise the petitioner be appointed some other day for answer. Or, if you will have the same read at his importunity or so, let your counsel be about you to give their judgment thereof as well as you. And indeed it is more pleasing, as it is more laudable, that complaints be heard in the open court. But this you may do at first, or soon after you have received it, — cast your eye quick upon the several parts thereof, especially the prayer ; and, if it touch any person or matter that you are unwilling to have scanned publicly, you may shift it off ; but, if it be that wherein you are assured to give a ready answer, it is more praise for you to do it, and especially in open court.

CHAPTER IX.

- 1.—*Another meeting appointed, where he also appears with a good guard.* 2.—*Many busy men speak only Manx, which a more designing person [probably Captain Christian, a late governor] would hinder; but the Earl forbids it.* 3.—*Advice about appearing in public. The Manxmen great talkers and wranglers.* 5, 6, 7—*The Earl's spies get in with them, and wheedle them.*

ANOTHER meeting was appointed at Castle Peel, where I expected some wrangling, and had it. I provided there also for my own safety, and, if occasion were, to curb any or all the rest. For in this kind 'tis good to be assured; and when the people take notice of it, you shall have much better dealing with them. For otherwise, according to that saying, which I have heard spoken on another occasion, it is very true, That he who is not sure to win is sure to lose.

2. Many of the busybodies spake Manx only; which some officiously said should be commanded to hold their peace, that they might not be so troublesome: which I was unwilling to, for I came prepared to give men liberty of speech. And I knew, by good experience, that these countrypeople were their mothers' children—loving much to speak much; and, as you should deal with women disposed to prattle, or as a barking cur that follows your horse-heels, so did I give them liberty to put themselves out of breath; and they were the sooner quiet, but much more satisfied. For here be no lawyers—or, rather, there is none but lawyers; for they will tell every man their own story; and better will they be content, if you deny them after much speaking, than

to prevent their talk by granting their own desires. This was well known to him who advised me to silence them ; and I knew that he knew it, and that he did the same for no good intent.

3. It is good in all business of this nature, especially when you must appear in public (where you are, as indeed seldom is a great man other than, like a candle on a mountain), to prepare yourself to appear such as may get you praise ; so must you fit you right unto the eyes you know will look upon you. But think all times all eyes, or rather Him who is all eye, beholds you ; then shall you be sure to please God, the world, and yourself,—which certainly is the greatest craft.

4. I resolved to give them liberty of speaking, after their usual wrangling one with the other, as they have it, in a very bitter manner ; for they chide, misname, and more unseemly rail than a butter-quean in Broad-street. If they require anything of me, they ask it as if I durst not deny. To reason with them I knew was vain ; so as I purposed to endure any unquietness, provided they crossed not my motions, which I was careful might be just and lawful. For it matters not very much what the people can say of you, so wise men may observe you bring your designs to pass.

5. Before the day of this general meeting I provided me of some informers, who unsuspectedly might mingle with the people ; thereby discovering aforehand the motions they would make me, their champions they relied on, and what likeliest might best content them.

6. These men followed their instructions pretty well ; insinuating and getting a good belief of divers, by seeming to have the same opinion with them, and were as forward to rail against the present Government, and complain of honest men in trust with me, as any of the rest. Thus the simple people, who were misled, believed presently they spake as they did think. Hereby my diligent informers could soon lead them by the nose. And such must be dealt with as the hypocondriacs—a melancholy disease which some have had, thinking their nose or their arms

longer than they were. To cure which, you must seem and say you have the same disease, and tell them how you yourself was cured ; to which they giving credit will instantly recover. So as

7. After my busybodies had sufficiently spoke ill of my office (wherein the people were confirmed in their first belief, which was very necessary), they began nevertheless to speak well of me, assuring [them of] their knowledge of my good intent unto the people, to give them all satisfaction in any of their just grievances ; and, as dear brethren, gave [them] this good counsel, that the people should beware, of all things, not to anger me,—for I was a good friend, but a bad enemy ; and thereof gave them some instances of my justice, clemency, and power. They were assured I did love the people (which is the only way to get the people's love) ; they knew certainly, if any were unreasonable and did provoke me, they should run a hazard (for if the people fear you not, you never can expect their loves or avoid their scorn, and never be able to bring to pass what you desire or what is fitting) ; they said I had such power to maintain my actions, that there was no appeal,—for when any presumption of that nature is in a rogue, you either must quickly quash him, or you open a gap to your utter ruin.

CHAPTER X.

- 1.—*The night before the meeting the Earl consults with his officers what to answer, 2—but tells them nothing of his spies. 3.—Compares both reports, 4—and keeps back his own opinion. 5.—Sends some of the officers, whom he knew would be troublesome, out of the way about other matters. 6.—The Governor afresh commended. 7.—What counsellors the properest.*

THE evening before the meeting I took counsel with my officers who are usually to be consulted with in matters of any moment; and being privately before informed of what the people had to say, I did propound to them that, in case such and such things should be done or spoken, what their opinion was of my replies unto them—either to condescend or deny the people? and the manner how?

2. But I acquainted no man with my intelligence by those spies; for by these means my counsellors may guess I have such, which may disable any of them, if they be disposed at any time, to misinform me; which hath been the bane of many princes, and the misfortune of a people. Also, they shall not suspect them, lest so they might work with them to get me a false report.

3. Neither, by the way, shall I so give credit to these hirelings (who very possibly may betray me) that I will not also believe another. Moreover, those were no ways privy one to the other's employment. And so shall I know how each man acts his part; and I better may so compare their reports for better discovery of the truth. But I will still weigh all that is told

me of any side ; I will ruminate thereon, and ask counsel of God Almighty, and pray His Spirit to give a right understanding to my heart, which shall wholly be disposed to maintain only that which is just and right in His sight, knowing that my judgments will afterwards by Him be judged.

4. When I had laid before my officers what I thought most likely to be intended by the people, I wished them to do the like ; and, all of us debating those matters freely, they gave everyone their several opinions ; which I thought fittest, before I any ways made shew unto them my own inclinations ; for otherwise it may cause destruction of counsel, while the advisers do fear or be loth to cross your arguments when you press them : and a prejudicate opinion is never honest or safe.

5. Some of my officers did occasion all my troubles ; and therefore I was careful that they, or any whom I doubted faithless, should not be present at the council. Neither did I give them the least suspicion to think I willed it so ; but in such manner employed them elsewhere, that they doubted nothing.

6. When I did take occasion to tell you the worth of this present Governor, the same may be to you a rule of what quality your counsellors should be. And remember this benefit by counsel, that all good success will be your glory, all evil your excuse, having followed the advice of others.

7. Your counsellors are not likely to be better than yourself ; but, if they were, know this, that to ask counsel of one's better, tieth to performance. But otherwise to ask counsel is to honour him of whom it is required, and liberty is not taken away to do what pleaseth you best.

CHAPTER XI.

- 1.—*The Earl's carriage to the people at his first going over.* 2.—*His carriage, at the meeting, to modest petitioners ; 3—to impudent ; 4—to the most confident ; 5—and to the most dangerous—viz., them who stood behind and prompted others.* 6.—*All things being agreed, Capt. Christian cunningly begins a disturbance.* 7.—*The Earl's reply to him,* 8—*and speech to the people.* 9.—*Christian is struck blank.* 10.—*Several committed to prison,* 11—*and fined ; 12—which quiets them.*

WHEN first I came among the people, I seemed affable and kind to all ; so I offended none. For taking off your hat, a good word, a smile, or the like, will cost you nothing ; but may gain you much. However, I did much beware they might not think I courted them ; for so I might have made them become coy. And I was content that those I brought with me, in their sight, on several occasions, might shew me good respect, to give the people good example ; knowing that respect is the soul of government, and a person once fallen to neglect is, as one saith, no better than a dead carcass.

2. I was so sufficiently troubled with wrangling at that time, that I will not trouble myself again in repeating too much of it. When any man made known his grievance and desire, while he kept him in the bounds of modesty, I seemed much to hearten him, and wished him to proceed, giving him still occasion by some interruptions (not to disturb him) to let him know that I understood well what he spake ; and, if it were matter which did like me, I fortified his words with reasons. Also (sometimes to please), if it were not reason which he spake, and that I knew

there were sufficient answer against it, I gave also reason for that. But then I told him it was not fitting in such and such respect. Sometimes I gave leave that others should reply ; and with them I did agree or not, as I thought most proper for the present.

3. There were who saucily behaved themselves, and of those I put some out of countenance with austere looking on them ; troubling their discourse in seeming not to hear well what they said, and asking them to repeat the same ; which astonished them so, that oft they did forget the matter they were about, and sometimes feared to speak more of it.

4. But those who were most confident, and as like to astonish us, I gave leave to be answered by my officers who sat by ; considering it became me not to contend in words, lest incensing others, or myself becoming passionate, I might bring mine own discretion in some question. And I have read some examples, that justice is not believed to be where violence is.

5. Another sort there were more dangerous, who said nothing openly, but instructed others, and whispered behind the company. Some of these I espied myself ; others were pointed to me by such as I had set, in several places about the bench, to observe them, and give me some private beck ; which I took notice of as I saw occasion. These I called nearer to the bar, who it may be would speak so as not to offend, or hold their peace ; at least, there they could not incite others so conveniently.

6. In conclusion, when I had settled a good course (such as among the ancient records you may see, for there I caused the same [to be] filed up), at the very rising of the court, Captain Christian (one whom heretofore I had much obliged by my favours, but having denied him something he did take offence—a humour of all others the most dangerous), he, seeming desirous to make a right understanding between me and the people, at the rising of the court, asked if we did not agree thus and thus—mentioning some things he had instructed the people to ask, which very happily they had forgot.

7. Presently some caught hereat ; but as soon I caught at the words, saying "he was much to blame so unseasonably to move new matter, being that we so happily had ended the day, and set all business in a blessed way, for the good of me and the country. And, if we raked any more into them, it might breed an inconvenience more than he was worth."

8. And so, rising from my seat, I assured the people "they needed no other advocate than myself to plead for them ; because I had a resolution to do all that in reason they at any time might desire of me ; that I would study to do them all good. And, if any base fellow told them otherwise of me, I wished they would hold him an enemy to themselves. And whoever durst say to me I had not their loves, I would give such the lie, and deliver him to them to tear in pieces, as I thought he might well deserve." So I bad the court to rise, and no man to speak a word more.

9. Thus is it sometimes necessary to make use of our several passions ; and happy is he whose passions make not use of him ! Christian hereat grew very blank, and the same by many was observed ; which, as I believe, hath since wrought good in all.

10. A few days after, some, who had formerly given great brags and vaunting speeches of getting laws and customs of this country to be broken and changed to their own minds, in despite of any that said nay, &c., these men were, some of them, committed to prison ; and there abided, until, upon submission and assurance of being very good and quiet, they were released ; and some others, who had offended in the same kind, were put in their rooms. They were the principal disturbers of the peace, and such as we could prove to have incited others, and given them that dangerous oath and covenant, after the manner of some other countries, which hath got us a dear experience.

11. I thought fit to make them [be] deeply fined. So as having picked them thus one by one (which was the more easy and ready way), it terrified all that had any hand in these matters. Whereat as many of the first sort as were set at liberty grew very

mild. Those who were fined, by their good behaviour hope to be forgiven the said fines, and are thereby in good awe. Others make way to their peace beforehand, to prevent imprisonment or fine. And so, God be thanked, we are very quiet.

12. Since this they have all come, in most submissive and loving manner, presenting their grievances, with so much civility; as since I have given them, I hope, good satisfaction—redressing what was amiss in Church or State.

CHAPTER XII.

1, 2.—*Of Capt. Holmewood ; 3—formerly recommended by certain lords (to whom he was a hanger-on) to the Earl's mother, who puts him in Governor of the Isle of Man. The Earl's father retires. 4.—At his mother's death, the Earl displaces Captain Holmewood, and gives him a pension ; yet the lords who recommended him are displeased. 5.—The inconvenience of taking servants on other men's recommendations,*

I AM willing to rub up my memory concerning my first choice of Captain Christian, and his behaviour in my service since. Wherein I may call to mind my own follies, to make you by them wiser. It is good learning by another's book. *Ex vitio alterius sapiens emendat suum.* To do this, I must rake up some circumstances before my entertaining him.

2. There was one Captain Holmewood, a very honest gentleman, who used to haunt good company, and had great acquaintance with divers courtiers of the best sort ; which was very commendable. But, in Church, or Court, or home, or in any place, if a man want discretion rightly to make use of the occasion, all will tend unto his loss. This gentleman found it true. For without any vice (which is no great sign of virtue) he wasted a good estate, and his remnant afterwards was courtship. For his friends there all solemnly protested how sorry they were for his misfortunes, and no less that they wanted abilities to do him service. Thus much though there he profited to learn, that confidence and importunity are the only ways of thriving at Court ; and, when men may not get preferment from a party

there, at least to hang on until he be well shifted off; and then the usual way is to be transferred.

3. So did some lords of the Court (who shall be nameless) recommend him unto my mother, of blessed memory, to be Governor of this Isle of Man. And she gave credit unto their letters (a strange error of so wise a woman, so well acquainted with the Court!), and pleased to send him over, to the great contentment of very many. For he was needy and kind-hearted—two of the most pleasing qualities for a governor among this people.

4. But when it pleased God that my mother died (unto whom, by certain agreements between her and my father, and, as I take it, ordered by King James, that blessed peacemaker, that her ladyship should have the full dispose thereof for certain years) I observed that this gentleman was fitter for employment abroad than this place, which at that time required a man of letters. And my father, willing to retire himself from troubles, was contented to make much of himself, reserving a £1,000 a year, and put the rest of his estate to venture in my hands (that which haply I shall not so very soon do with you, nor with such latitude of power). The first thing I did, to my remembrance, was the shifting off this gentleman, to whom I gave a good pension, for charity's sake, and, in some respect, to avoid others' clamours. But that pleased not those lords by whose means he was placed here; apprehending much his company again at Court; indeed they were not friends with me of a long time for it.

5. And hereby may you observe the inconvenience of taking servants on others' commending. I had matter enough to justify his remove, but that could not set me right above. Nevertheless, when I did according to good discretion in my own right, I considered their favour in time might be recovered. For, though a friend at Court be said to be better than a penny in the purse, yet, keep your own estate and a penny to spare, and you will create friends in Court or country at any time.

CHAPTER XIII.

- 1.—*Of Capt. Christian, and how the Earl came formerly to make him Governor.* 2.—*His character.* 3.—*The Earl for some time very fond of him, who abuses his love.* 4.—*One good quality of his.* 5, 6, 7.—*His insatiable covetousness.*

I WAS newly got acquainted with Captain Christian, whom I observed soon to have abilities enough to do me service; and a friend of mine making motion he might come into the place, I inquired more of him, and indeed in some haste, lest I were importuned again for Capt. Holmewood. Because, having angered some of my noble friends already in his remove, I might endanger to lose them quite by a new denial to restore him.

2. I was told Captain Christian had already made himself a good fortune in the Indies; that he was a Manxman born; but, which took most with me, that when he offered his service it was on these terms—that (being he was resolved to retire himself into that his own country, whether he had the place or no) he would be contented to hold the staff until I chose another, which most willingly he would [then] resign without repine; and called such a one to witness (who yet is living). For the pay, he so little valued that, as he would be content to do service without any, or as little of it as it pleased [me]; and what agreement there was between us I very well remember.

3. He is excellent good company; as rude as a sea captain should be, but refined as one that had civilized himself half a year at Court, where he served the Duke of Buckingham. In this I cannot much blame myself. But, thinking I had so ex-

cellent a jewel, I did esteem him at too high a rate; which he knew very well, and made use thereof for his own ends; therein abusing me, and presuming of my supporting him in his actions, which from time to time he gilded with so fair pretences, that I believed and trusted him too much. Also I gave too little heed unto many complaints against him. Here was my fault. But I have been whipt for it, and I will do so no more.

4. While he governed here, some few years, he pleased me very well; and had a quality of the best servant—that what I directed him to do, if it succeeded ill, he would take the same upon himself; and what happened well, would give me the glory of it.

5. This he did while I continued my favours to him. And I were as ungrateful as unwise if I should not both enrich and oblige him to me; as the only way to keep him good. But, such is the condition of man, that most will have some one fault or other to blur all their best virtues! And his was of that condition which is reckoned with drunkenness—viz., covetousness; both marked with age to increase and grow in men.

6. He was ever forward to make me many requests, which, while they were fit for me to grant, I did never deny him. But indeed a right good servant would rather be prevented by his lord's nobleness than demand anything of himself; and suffer himself to be honoured and enriched, as enforced, rather than pretending to it; and ascribe honours to his office, not to merit.

7. But I observed, that the more I gave, the more he asked; and such things as I could not grant without much prejudice unto myself and others. So as after a while I sometimes did refuse him. And it was sure to fall out according to the old observation, that when a prince hath given all, and the favourite can desire no more, they both grow weary of one another.

CHAPTER XIV.

- 1.—*Of some commissioners whom the Earl formerly sent over to the Isle of Man.* 2.—*Mr. Rutter, Lord Strange's tutor, commended ;* 3.—*and his pupil.* 4.—*Lord Strange's mother being a French-woman, an advantage to him.* 5.—*Mr. Rutter's method of teaching commended.*

IN the year 16— I sent over some commissioners ill chosen. But that was want of experience and good instruction in my youth. For I cannot brag of good breeding, as (God be thanked !) you may ; and that is to you more worth than half of all I leave you.

2. You know my instructions to you. In the first place, to fear the Lord, as the beginning of true wisdom. And I know you are taught it of Mr. Rutter ; for whom you and I may both thank God.

3. He is not only a good teacher to you, but a good companion both to you and me ; having nothing at all of the pedant. There is good proof of his labours with you ; for you have profited well in your studies, and, without flattery to either, above what I expected, by reason of your long sickness. For I cannot hope of so much scholarship from you as your brothers, who are (God be thanked !) more healthful, and (God willing) shall be plied harder at their studies than you have been.

4. You have already the benefit of your mother's language, so as you need not travel, as I and some others have done, to pass

our time for words, while we lost so much of our life to have studied men and manners.*

5. The method of your teaching you may remember. When God blesseth you with children, you may yourself give rules unto their teachers. Nevertheless, lest you forget any of it, I may haply desire Mr. Rutter to set it down in writing, that you may keep the same by you with this. And if others (when we are dead) pretend to greater knowledge and a new way of teaching, you may compare his great skill with our true loves; of which these and the like endeavours shall be our witnesses. In another place I may say more of my intents concerning your breeding, travel, and the like. In the meantime I will tell you something of my commissioners' behaviour in this country, and how it fared while they ruled here; also something of the choice of servants.

* James E. of Derby married the Lady Charlotte, daughter to Claude Duke of Tremouille in France [by the Lady Charlotte his wife, daughter to the renowned Count William of Nassau, Prince of Orange, and Charlotte de Bourbon his wife; by reason whereof the Dukes of Tremouille stand allied to the Kings of France; as also to the houses of Bourbon-Mounpensier, Bourbon-Conde; dukes of Anjou, king of Naples and Sicilie, archdukes of Austria, kings of Spain; earls and dukes of Savoy; dukes of Milan; and divers other sovereign princes]. By which lady he had issue three sons, Charles, Edward, and William; and three daughters—Mary, married to William E. of Strafford; Catherine, to Henry Marquess of Dorchester; and Emelia, to John E. of Athol.—*Dugd.*, vol. ii. p. 254 a.

CHAPTER XV.

- 1.—*The vanity and prodigality of the Earl's commissioners.* 2.—*Observations on servants, 3—whether rich, 4—prodigal, 5—cunning, 6—fawning; the danger of these last.* 7.—*Stewards, 8—and secrets, how to be trusted.* 9.—*Comely servants recommended.* 10.—*Fanatic and Popish servants improper.* 11.—*Musicians troublesome; 12—and many boys, inconvenient.* 13.—*All under yeomen to be in livery.* 14.—*Provision for house-keeping to be made beforehand.* 15.—*The steward and clerk of the kitchen to be countenanced.* 16.—*Of rewards.* *King James the First's great gift to the Earl of Pembroke.* 17.—*The Earl's thoughts about giving.* 18.—*The Duke of Buckingham's odd way; 19—a better.* 20.—*Not too many servants who are near relations, 21—or married.* 22.—*The Earl's complaint of bad servants, 23—and of his aforesaid commissioners.* 24.—*He compares his own way of writing to his son's riding.*

THEY came in state, as I was told; which was much more for my honour than for my profit or credit; and to them of no little use, considering their merry times and bad reckonings. And, questionless, those who so willingly would be lavish to spend my moneys, would as readily sometimes husband a part of it for themselves. Nor am I mistaken in this, that (without offence unto the rest) Peter Winn did so; and I am happy to know it. For ill servants are like some diseases, which easily be cured when known, and as dangerous if undiscovered.

2. Some marks of a good servant I have told you, and these following be badges of a bad.

3. *First*, When he minds himself more than you. That you may discern by his growing over wealthy, and gaining reputation with them he deals with in your behalf; taking unto himself the thanks of the favours which proceed from you. So may you observe men rather make addresses unto him than you. And he is usually well followed by your suitors, who commonly observe him much bare-headed; and he will take it sufficiently upon him, and herewith be so finely puffed up, that shortly he slights your service, and will think it a disparagement to wait as heretofore—at least, he thinks to honour you very much if he give you attendance. For now he is a gentleman of a good estate, professing how much he hath spent of his own purse to do you credit; and, if you respect him, he will honour you; otherwise, can live of his own, which he haply may believe his father left him, though he came to you a beggar.

4. Sometimes a servant will be prodigal and vain, neglecting his own affairs (and then most assuredly yours). This may plainly be known, if you see him needy, that he is a gamester, very vicious, and the like.

5. Another sort there is who desire to keep you in continual law-suits and troubles; thereby himself never wants employment, and you cannot want him. For, by some cunning trick or other, when any more honest or sufficient than himself is offered unto you, he either acquaints that party beforehand that you will none of him, or tells you how unworthy he may be of you; and both sides a lie. But in this case a rule of Machiavell is remembered—*Fortiter calumniare, aliquid adharebit*.

6. A more dangerous than all is a flattering servant, who so insinuateth and endeareth himself to you by applauding and approving of all that likes you; as thereby you may think to have one after your own heart, but who shall afterwards gnaw you to the bones. Yet this rule take unto yourself, and there is less danger of deceiving: that, when any praiseth you, to be jealous you deserve it not; or, if you do, that you will think he does not always love you best who praiseth most. An Italian proverb

saith, That after eating salt with one seven years, you may then guess how fitly you may trust him.

7. Those whom you trust with moneys bring them often to account.

8. Them to whom you do discover that which nearly may concern your life or honour, let it be to—indeed I know not who.

9. It is very handsome to have comely men to serve you.

10. I would neither have any to be any piece of a Puritan or a Jesuit.

11. Next them, your musician is very troublesome.

12. Many boys to wait on your servants be sluttish, pilfer, steal, and disgrace a house.

13. I would wish that all who are under the yeomen be in livery, whether they be your own fee'd men, or that they belong to the gentry in your house.

14. It is good to have provision aforehand for housekeeping. Much demesnes is commodious for that purpose. Do not, therefore, lease any that you have already ; rather increase the same. If so you set any, let it be from year to year only.

15. Have a good steward of your house and clerk of the kitchen, who may make themselves awed by the servants, even as much as yourself. Wherefore, while they serve you, you must countenance them.

16. It hath been the custom of many princes to reward liberally their servants with such gifts as they thought little ; because they have not known them. So did King James ; until my uncle, the Earl of Salisbury, Lord Treasurer, once showed him £5,000 at once, which, at one clap, he had given to the Earl of Pembroke. He thought at that time there had not been such store of money in the kingdom ; and sware he would give over giving. But he was better than his word.

17. I would the most I could keep my own myself ; so shall I certainly better husband what I have. However, before I give, I will consider what it is, to whom, why, and when.

18. The Duke of Buckingham was used to reward his worst servants first. And being asked the reason, he said, thereby he was sooner rid of them ; and the others would easilier abide in hope.

19. How good a rule this is, I say not. But certainly, when you give to a good man, because he is good, it is like to keep him good, and it may make others good.

20. I am loth to have many of a house too near a kin : for by that means you will sometimes suffer one too much, for another's sake.

21. Nor would I have many married : for so you may happen to keep the children also.

22. Most of these misfortunes I have met with in servants, which have vexed me to the heart. I pray you, by my experience herein, learn you something.

23. I thought to have enlarged myself more in relating many passages in observation of my commissioners' proceedings here, wherein I had matter enough to have given you examples both of their pride and bribery. But I am loth to dwell too long on one subject, not knowing how little time I can dwell here myself, with any leisure, to continue this discourse.

24. I will skip over [then] to some other matter. So shall I not keep order in any even way, but, like as yourself do in your sports abroad, oft wantonly forsake a plain ground to gallop over a rough fallow, and now and then leap hedges ; so as, following your own humour herein, I hope you will think my sayings to you to be less tedious.

CHAPTER XVI.

- 1.—*Of a certain tenure in the Isle of Man, called the tenure of the straw, whereby the Lord is defrauded.* 2.—*A petition presented against Deemster Christian for defrauding an infant of his estate.* 3.—*The Deemster's great interest in the Island, and his many bastards.*

THERE comes this very instant an occasion to me to acquaint you with a special matter, which if, by reason of these troublesome and dangerous times, I cannot bring to pass my intents therein, you may, in your better leisure, consider thereof, and make some use hereafter of my present labours, in the matter of a certain holding in this country, called "The tenure of the straw:" whereby men think their dwellings are their own ancient inheritances, and [that they] may pass the same to any, and dispose thereof without license of the Lord, but paying him a bare small rent, like unto a fee-farm in England: wherein they are much deceived. Which you may plainly see by such collections as I have already caused to be framed, at this time in custody of the comptroller. Sufficient, I persuade myself, to satisfy any reasonable body. But it is not always reason can prevail with a multitude. Therefore is it fit in this, as in all things, to have of the dove and the serpent according to the occasion.

2. One presented me a petition against Deemster Christian on the behalf of an infant, who is conceived to have a right unto his farm late Rainsway, one of the principal holdings of this country; who, by reason of his eminence here, and that [he] holdeth

much of the same tenure of the straw in other places, he is so observed, that certainly, as I temper the matter with him in this, so shall I prevail with others. But, he being so much concerned, I have a hard task in hand. But I shall try. And herein the surest way is to begin in the fairest manner: for roughest dealing is best when smother have first failed.

8. I am not ignorant what courses the said Deemster hath taken to strengthen himself and others, to maintain their titles herein against me. And once one, in a pleasant humour, said he thought the Deemster did not get so many bastards for lust's sake, as in policy, to make the name of the Christians flourish. But, if he and I agree not, you will hear more of these matters otherwise you shall know nothing thereof at all. But learn this, that there be times to discover what one knows, as at other whiles it is fit not to seem to know them. And while good content is given, let such kindness be shewed as may assure the party that offences are quite forgotten or forgiven, or that he may think that they never have been harboured in you.

CHAPTER XVII.

1.—*The great love of brothers and sisters to their bastard brothers and sisters in the Isle of Man.* 2.—*The Christins (the most numerous and powerful family in the Island) alter their name to Christian.* 3.—*Their power, seats, matches, estates.* 4.—*The prayer in the abovementioned infant's petition against Deemster Christian.* 5.—*The petitioner could scarce get a man to write it, for fear of the Deemster and his family.* 6.—*The Earl's commissioners formerly ordered the Deemster to pay the infant a sum of money for the estate he withholds from him; but he would not.* 7.—*The Earl resolves the Deemster shall both pay the infant and take a lease of him, which will open his way to recover his right of others; 8—in which case he will take small fines, and advises his son to do so too.* 9.—*If the Deemster won't agree to this, he can deal with him another way.*

BEFORE I go farther, let some use be made of that true jest concerning the Deemster.

2. It is very true, there be many bastards here in this Isle; and he is to be wondered at who wonders at it. But sure it would be very well if that law were here as in other places, that all known bastards be called after their mothers' names. And there is more reason for it here, in respect they are subject to make factions. And men of the same name will side with one another against anybody. Nor do they love or esteem less because their friends, brothers, or sisters be base born.

3. There be many of the Christians in this country—that is, Christins, [for that is] the true name; but they have made themselves chief here. Wherefore, if a better name could be

found, they would likely pretend unto it. I pray God they be Christians indeed, and honest men; for then it matters not how many be of a name. And I advise you, if a name fancy you not, because some so called have offended you, yet let it not be a rule to hate the persons of those you know not, because some of their kin have heretofore displeased you, after the manner of the feuds in Scotland.

4. But it is not so much that so many be called Christians, as that by policy they are crept into the principal places of power; and they be seated round about the country, and in the heart of it; they are matched with the best families; have the best livings [that is, farms]; and must not be neglected.

5. The prayer in the petition formerly mentioned was to this effect—"That there might be a fair trial; and, when the right was recovered, that I would grant them a lease thereof," &c. This being in the "tenure of the straw," and a motion to me which the Deemster may think very pleasing, it will doubtless startle him.

6. You may herein observe the interest that the Deemster hath in this country, being the petitioner could get but one man in the whole Island who durst write this petition fair.

7. Upon some conference with the petitioner, I find a motion heretofore was made by my commissioners, that the Deemster should give this fellow a sum of money. But he would part with none. Nevertheless, now, it may be, he will; and, I hope, be so wise as to assure unto himself his holding, by compounding with me for a lease of the same. To the which, if they two agree, I shall grant it him on easy terms. For, if he break the ice, I may haply catch some fish.

8. And I will also, for this first time, take reasonable fines from all the rest. And, indeed, I would counsel you to be always good unto the people, and to all tenants under you; considering yourself is but tenant for life unto the Lord of Life, who hath committed this land and people to your stewardship. Wherefore so govern the same as you may give God a good account.

9. I do bethink myself, in case the Deemster and I should not agree, how to manage this business. But, because it may haply never happen, I will not speak more of it yet; but, by this let you see my custom on all occasions to prepare myself *ad utrosq. casus*; which is a good rule.

CHAPTER XVIII.

- 1.—*Of Captain Christian, the old Governor, yet in prison ; what he suffers there, but just ; 2—and the Earl would farther punish him, but the judges say they want precedents ; hardly any punishment in the Isle of Man but may be got off, except the crime be sheep-stealing. 3.—The Earl will provide better laws hereafter ; if he does not, he advises his son to do it. 4. Captain Christian pretends he suffers for the people ; so that a jury would acquit him. But the Earl thinks he may be fined, and deeply.*

I WILL return unto Captain Christian, whose business must be heard the next week. He is still in prison ; and I believe many wonder thereat, as savouring of injustice, and that his trial should be so long deferred. But, in my own knowledge, he deserves what he hath, and a great deal more. Also his business is of that condition, that it concerns not himself alone. And if sometimes we endure, ourselves or friends, for a general good, much more may we let a knave feel a little of that misery he would have brought on many an honest man.

2. I believe such course will be taken, that he shall groan under the burden of it. But, whether it will reach his life, I know not ; for his judges do pretend they want precedents. And, indeed, in this country any offence will be excused, if of never so high a nature, provided he steal not sheep ; and that because the judges be sheep-masters.

3. But, God willing, I will have laws declared for treason, and the like. If I do not, be it your task.

4. If a jury of the people do pass upon him (being he hath so cajoled them to believe he suffers for their sakes), it is likely they would quit him. And then might he laugh at us; whom I had rather he had betrayed. So as I think, according to custom for some offences of that nature, he will be fined; though haply deeper than usual. Nevertheless, I may so handle it, that little shall stick by me, though himself be no whit favoured. I remember one said, it was safer much to take men's lives than their estates. For their children will sooner much forget the death of their father than the loss of their patrimony.

APPENDIX.

Containing: 1.—The siege of Latham House. 2.—The Earl's return to England. 3.—His going back to the Isle of Man. 4.—His letter to Commissary General Ireton. 5.—His return into England for the last time. 6.—A copy of his speech upon the scaffold, and of some remarkable passages in his going to it, and being upon it on Wednesday, 15th October, 1651.

1.—THE SIEGE OF LATHAM HOUSE.

DURING the Earl of Derby's absence in the Isle of Man, his Countess, the Lady Charlotte, being left in this house, the enemy looked upon it as their own, little expecting from a woman, being a stranger, and that a place so unprovided (as they supposed), that any considerable resistance could be made; so that a commission was presently obtained for the reducing it; which being made known to her, she furnished herself with men, arms, and ammunition, with all the diligence and secrecy imaginable; and finding the men generally raw and unexperienced, she caused them to be listed and trained under these captains—viz., Capt. Farington, Charnock, Chisenhale, Rawsthorne, Ogle, and Molineux Radcliffe, who were to receive orders from Captain Farmer (as major of the garrison), and he from herself. Matters

being so privately managed, that the enemy was advanced within two miles of the house ere they dreamed of any other opposition than from her own servants.

But, upon Feb. 28, 1644, there came to this lady a trumpet from Sir Thomas Fairfax, and with him a person of quality, to desire a conference with her. Whereupon Sir Thomas, and some gentlemen with him, being admitted, the soldiers of that her garrison were disposed in such a manner as might best advance the appearance and opinion both of their numbers and discipline. Their commission being to require the delivery of the house, they offered her an honourable and safe remove, with her children, servants, and goods (arms and cannon excepted) to her own house at Knowsley; also a protection to reside there free from any molestation; and the one moiety of her lord's estate in England, for the support of herself and children. Whereunto she answered, that she was under a double trust—of faith to her husband, and allegiance to her sovereign; and that, without their leave, she could not give it up; desiring, therefore, a month's time for her answer. Which being denied, her ladyship told them that she hoped they would excuse her, if she preserved her honour and obedience, though in her own ruin.

Hereupon Sir Thos. Fairfax departed; and upon the question, whether they should proceed by storm or siege, he gave his opinion for the latter. Which advice was promoted by an artifice of one of the Earl of Derby's chaplains [probably Mr. Rutter] whose integrity and prudence was of no little service to that heroic lady in all her extremities. About fourteen days after the former conference, there coming another summons for a present surrender, the trumpet was sent away with a short answer, viz., that the Countess had not as yet forgot what she did owe to the Church of England, to her prince, and to her lord; and that till she had either lost her honour or her life, she would defend that place. Whereupon Fairfax gave order for a formal siege; but, being commanded away upon other service, left the managing of it to Col. Peter Egerton and Major Morgan.

As to the situation of Latham House, it stands upon a flat, boggy, and spumous ground, encompassed with a wall of two yards thick, without which is a moat of eight yards wide and two yards deep; upon the bank of which moat, betwixt the wall and the grass, was a strong palisado throughout. Upon the walls were also nine towers flanking them, and on each tower six pieces of ordnance, which played three one way and three another. Besides these, there was in the middle of the house a high tower, called the Eagle Tower. The gate-house also, being strong and lofty building, stood at the entrance of the first court. Upon the top of all which towers stood the choicest marksmen (keepers, fowlers, and the like), who shrewdly galled the enemy, and cut off divers of their officers in the trenches.

Fairfax departing, the enemy fell forthwith to work on a line of circumvallation. Whereupon the Countess, to disturb their approaches, ordered a sally of two hundred men, who were commanded by Major Farmer; who, on March 12, 1644, beat them from their trenches to their main guard, slew about three score, and took some prisoners, with the loss only of two men. Whereupon they doubled their guards, and drew their line at a greater distance. But they were so plied with sallies, that it was fourteen weeks' time before they could finish their line. After which they ran a deep trench near the moat, where they raised a strong battery, and planted on it a mortar-piece, which cast stones and granades of sixteen inches diameter; of which granades the first fell close to the table where the Countess, her children, and her officers were all at dinner; which shivered the room, but hurt nobody. The apprehension whereof made them to resolve on another sally, to take that mortar-piece. Upon which sally Molineux Radcliffe had the forlorn, Chisenhale the body, and Farmer the reserve; who, after an hour's dispute, possessed themselves of all their works, nailed and overturned all their cannon, or rolled them into the moat, carrying the mortar-piece into the house. And, continuing masters of their works and trenches all that day, endeavoured to fill them up and destroy them as much

as might be. At which time the Countess went not only out of the gates, but sometimes very near the trenches; whose piety was such that she constantly practised to begin all those actions with public prayers, and to close them with thanksgivings.

This successful sally happened on the 26th April, being the very day appointed by the enemy for a fierce assault, with order to put every one to the sword.

After which it took the enemy at least five or six days' time to repair their works; but in that space they were thrice dislodged and scattered by other vigorous sallies.

Which disasters gave Col. Rigby (a malicious enemy to the Earl of Derby) a colour of laying the fault on Col. Peter Egerton; whereby he got a commission for himself to command in chief. After which he would not permit so much as a midwife to pass into the house unto a gentlewoman then in travail; and in a fortnight's space carried on his work without much trouble, for want of powder in the house. But that defect being supplied by another sally, the Countess proposed a fresh assault upon all their trenches; which being accordingly agreed on, Rawsthorne had command of the *forlorn*, Farmer of the *battle*, and Chisenhale of the *reserve*; who, behaving themselves with their wonted bravery, beat the enemy from their works, cleared the trenches, nailed their great guns, and killed a hundred of their men, with the loss only of three, and five or six wounded.

Hereupon, after a month's siege, and the loss of about two thousand men (by their own confession), Rigby sent the Countess a huffing summons; to which she returned this answer—"Tell that insolent rebel Rigby, that if he presume to send another summons within this place, I will have the messenger hanged up at the gates."

2.—THE EARL'S RETURN TO ENGLAND:

UPON intelligence given to the Earl of these his noble lady's distresses, he hasted out of the Isle of Man, to beg relief of his Majesty. Whereupon orders were given that Prince Rupert

should take Lancashire in his way to York, unto which place he was then designed. But no sooner did Rigby hear that his Highness had entered Lancashire at Stopford-bridge, but that he raised his siege on the 27th of May, 1644, and marched to Bolton, a strong garrison of the enemy; where, with the addition of other forces to two thousand of his own, he made up a body of two thousand five hundred foot, and five hundred horse.

Upon notice whereof to the Prince, he marched directly thither, and gave order for an assault; which, though gallantly attempted, succeeded not at the first; he therein losing two hundred men, the enemy killing all they took upon the walls, in cold blood, in his sight. Whereupon a second assault being resolved, the Earl of Derby desired to have the command of two companies of his old foot, and the honour of the *forlorn*; which at his importunity being granted, and all things ready, the town was entered in the space of half an hour, on every side; he himself being the first man who set foot into it, upon the 28th May. Whereupon Rigby made his escape, leaving two thousand of his men behind; amongst which there was one Bootle, a captain (formerly a porter in Latham, and who, upon his leaving that house, voluntarily swore that he would never bare arms against the King), who, being in the heat of the storm, encompassed with soldiers, begged quarter of this Earl, who answered, "I will not kill thee myself, but I cannot save thee from others." Nor did he [kill him]; nevertheless, his death was afterwards most falsely laid to his charge.

Upon the taking of this rebellious town, Prince Rupert sent all the colours to the Countess at Latham; and so marched to Liverpool, for reducing that. Thence to Latham, where he stayed four or five days; but, before his departure, gave direction for repairing and fortifying the house; and, at the request of the Countess, disposed the governorship thereof to Captain Edward Rawsthorne, whom he made colonel of a foot regiment, and two troops of horse, for its defence. By which captain it was stoutly defended for full two years more, in a second siege; but at last,

by his Majesty's order, delivered up ; having cost the enemy no less than six thousand men, and the garrison about four hundred ; it being one of the last places in this realm which held out for the King. Such the fate of Latham House.

3.—HIS GOING BACK TO THE ISLE OF MAN.

AFTER Prince Rupert left Lancashire, as before related, the Earl of Derby, leaving his House at Latham to the care of Col. Rawsthorne, returned to the Isle of Man (his presence being still very necessary there to keep that island in order), and took his lady and children with him. But his children, it seems, were soon after perfidiously seized and made close prisoners ; and he himself tempted with the promise of a peaceable enjoyment of his whole estate, in case he would deliver up that Island ; but he stoutly refused to do so. [As may appear by]

4.—HIS LETTER TO COMMISSARY GENERAL IRETON.

“ I RECEIVED your letter with indignation, and with scorn I return you this answer,—that I cannot but wonder whence you should gather any hopes from me that I should, like you, prove treacherous to my sovereign ; since you cannot be insensible of my former actings in his late Majesty's service ; from which principles of loyalty I am no whit departed.

“ I scorn your proffers. I disdain your favour. I abhor your treason ; and am so far from delivering up this Island to your advantage, that I will keep it, to the utmost of my power, to your destruction. Take this your final answer ; and forbear any farther solicitations. For, if you trouble me with any more messages on this occasion, I will burn the paper and hang the bearer. This is the immutable resolution, and shall be the undoubted practice, of him who accounts it his chiefest glory to be

“ His Majesty's most loyal and obedient subject,

“ Castle-town, 12 July, 1649.”

“ DERBY.

5.—HIS RETURN INTO ENGLAND FOR THE LAST TIME.

THE Earl of Derby continuing in the Isle of Man until 1651, upon King Charles II. advancing out of Scotland towards Worcester, received a command to attend him, upon assurance that the Presbyterians would cordially join with the Royalists in order to his restoration. At which time, when he discerned that their ministers did obstinately refuse any conjunction, he said, "If I perish, I perish; but, if my master perish, the blood of another prince, and all the ensuing miseries of this nation, will lie at your doors."

His next misfortune was at that time, the engagement he had with a party which endeavoured to hinder the King in that his march, with whom he met in Wigan-lane; where, with six hundred horse, he maintained a fight for two hours, against three thousand horse and foot (commanded by Colonel Lilburne) in a place of much disadvantage. In which encounter he received seven shot on his breast-plate, thirteen cuts on his beaver over a steel cap, and five or six wounds upon his arms and shoulders; having two horses killed under him. Nevertheless, through all these difficulties he made his way to the King at Worcester.

Whence, upon the loss of the day there, 3rd Sept., 1653, he fled with him into Staffordshire; where, having seen him hopefully secured in such a place, and with such trusty persons, by whose means he most happily escaped the cruel hands of those blood-thirsty rebels who then sought his life; shifting for himself, he had the hard hap to be taken in Cheshire, by one Major Edge; but upon condition of quarter. Nevertheless, against the law of arms, he was afterwards most barbarously sentenced to death, by a certain number of faithless men, who, calling themselves a court-martial, sat at Chester, viz.—

Colonel Humphrey Mackworth.
Major — Mitton.

Colonel	{	Robert Duckenfeild.
		Henry Bradshaw.
		Thomas Croxton.
		George Twisleton.
Lieut.-Col.	{	Henry Birkinhead.
		Simon Finch.
		Alexander Newton.
Captain	{	James Stepford.
		Samuel Smith.
		John Downes.
		John Delves.
		John Griffith.
		Thomas Portington.
		Edward Alcock.
		Ralph Pownall.
		Richard Grantham.
		Edward Stelfax.
		Vincent Corbet.

Where, having voted him guilty of the breach of the Act of 12 Aug., 1651, intituled "An Act for Prohibiting Correspondency with Charles Stuart, or his Party;" and sentenced him to be put to death at Bolton, in Lancashire, upon the 15th of October. He there suffered most Christianly. So far Sir William Dugdale, &c.

6.—A COPY OF HIS SPEECH UPON THE SCAFFOLD, AND OF SOME REMARKABLE PASSAGES IN HIS GOING TO IT AND BEING UPON IT, ON WEDNESDAY, 15TH OCTOBER, 1651.

(From the Manuscript Collection of John Nalson, LL.D. Vol. XVI., No. 95. Copied by Dr. Grey.)

THE Earl of Derby came to Bolton, guarded with two troops of horse and one company of foot; the people praying and weeping as he went, even from the castle (his prison in Chester) to the scaffold; where his soul was freed from its prison, his body.

His lordship being to go to a house in Bolton near the Cross, where the scaffold was raised, and, passing by, said, "This must be my cross;" and so, going into a chamber with some of his friends and servants, had time courteously allowed him by the commander-in-chief till three of the clock that day. The scaffold indeed being scarce ready, by reason the people in the town refused to strike a nail into it, or to give them any assistance; many of them saying that "Since these wars they have had many and great losses, but never any like this; this was the greatest that ever befell them—that the Earl of Derby should lose his life there, and in that manner!"

His lordship (as I told you) having till three of the clock allowed him, spent all that time in praying with those who were with him; in telling them "how he had lived, and how he was prepared for death; how he feared it not; and how the Lord had strengthened him, and comforted him against the terrors of it." And, after such or the like words, he desired them to pray with him again; and after that, giving some good instructions to his son, the Lord Strange, he desired to be in private; where we (his friends and servants) left him with his God. There he continued upon his knees a long time in prayer. Then he called for us again, telling us "how willing he was to part with this world; and that the fear of death was never any great trouble to him ever since his imprisonment, though he had still two or three soldiers with naked swords, night and day, in his chamber to guard him. Only the care he had of his wife and children, and the fear he had what might become of them, was often in his thoughts. But now he was satisfied that God would become a husband and a father unto them; into whose hands he committed them." And so, taking leave of his son and blessing him, he called for an officer, and told him "he was ready."

At his going towards the scaffold the people prayed and cried, and cried and prayed. His lordship, with a courteous humbleness, said—"Good people, I thank you all. I beseech you, pray for me to the last. The Lord of Heaven bless you! The Son of

God bless you! and God the Holy Ghost fill you with comfort!" And so, coming near the scaffold, he laid his hand on the ladder, saying, "I am not afraid to go up here, though I am to die here;" and so he kissed it, and went up. And then, walking a while upon the scaffold, he settled himself at the east end of it, and addressed the people thus:—

"I come, and am content to die in this town, whither I endeavoured to come the last time I was in Lancashire, as to a place where I persuaded myself to be welcome; in regard the people thereof have reason to be satisfied of my love and affection to them. I am no man of blood, as some have falsely slandered me; especially in killing a captain of this town, whose death is declared upon oath, under the hand of a master of the Chancery. The several attestings of a gentleman of honour in this kingdom (who was in the fight in this town) and of others of good repute in this town and country [speak the contrary]. And I am confident there are some in this place who can witness my mercy and care for the sparing of many men's lives that day.

"As for my crime (as some are pleased to call it), to come into this country with the King, I hope it deserves a better name; for I did it in obedience to his call whom I hold myself obliged to obey, according to the protestation I took in the Parliament in his father's time. I confess I love monarchy, and I love my master Charles II. of that name, whom I myself proclaimed in this country to be king. The Lord bless him and preserve him! And I do believe, and assure you, he is (for his age) the most godly, virtuous, and valiant, and the most discreet prince that I know this day lives! And I wish so much happiness to his people, after my death, that he may enjoy his rights; and then they cannot want their rights.

"I profess here, in the presence of God, I always fought for peace; and I had no other reasons. For I neither wanted means nor honours; nor did I look to enlarge either.

"By my King's predecessors mine were raised to a high condition, as it is well known to this country. And it is as well

known that, by his enemies, I am condemned to suffer by new and unknown laws. The Lord send us our King again! The Lord send us our laws again! And the Lord send us our religion again! As for that which is practised now, it hath no name; and methinks there is more talk of religion, than of any good effects thereof. Truly, to me it seems I die for the King and the laws; and this makes me not to be ashamed of my life, or afraid of my death.”—

At which words—“the King and the laws”—a trooper said—“We have no king, and we will have no lords.” Then some sudden fear or mating fell among the soldiers, and his lordship was interrupted; which some of the officers were much troubled at, and his friends grieved, his lordship having liberty of speech promised. Then his lordship, seeing the troopers scattered in the street, cutting and slashing the people with their swords, said—“What’s the matter, gentlemen? Where is the guilt? I fly not. And here is none to pursue you.” Then his lordship perceiving he might not speak freely, turned himself to his servant, and gave him his paper, and commanded him to “let the world know what he had to say had he not been disturbed.” Which is as followeth, as it was in his lordship’s paper under his own hand:—

“My sentence, upon which I am brought hither, was at a council of war—nothing in the captain’s case [being] alleged against me. Which council I had reason to expect would have justified my plea of quarter; that being an ancient and an honourable plea amongst soldiers, and not violated (that I know of) till this time, that I am made the first suffering precedent in this case. I wish that no other suffer in the like case. Now I must die. And I am ready, I thank my God, with a good and a quiet conscience; without any malice to any, upon any ground whatsoever; though others would not find mercy for me upon just and fair ground. But I forgive them. And I pray God forgive them. So my Saviour prayed for his enemies; and so do I for mine.

“As for my faith and my religion, thus much I have at this time to say. I profess my faith to be in Jesus Christ, who died for me; from whom I look for my salvation,—that is, through His only merits and sufferings. And I die a dutiful son of the Church of England, as it was established in my late master’s reign, and is yet professed in the Isle of Man; which is no little comfort to me. I thank my God for the quiet of my conscience at this time, and the assurance of those joys which are prepared for those who fear Him. Good people, pray for me, as I do for you. The God of Heaven bless you all, and send you peace! The God who is Truth itself bless you with truth and peace! *Amen.*”

Presently after the uproar was past, his lordship, walking upon the scaffold, called for the headsman, and asked “to see the axe,” saying, “Friend, give it into my hand; I will neither hurt it nor thee; and it cannot hurt me. I am not afraid of it.” Then he kissed it, and gave it to the headsman again. Then he asked for the block (which was not then ready); and turning up his eyes said, “How long, good Lord! How long!”

Then, putting his hand into his pocket, his lordship gave the executioner two pieces of gold, saying, “That is all I have; take it, and do thy work well;” and, “when I am upon the block, and lift up my hands, then do your work. But I doubt your coat is too burly” (it was of a great black shag) “and will hinder or trouble you.”

Some standing by bid the executioner “ask his lordship forgiveness.” But he was either too sullen or too slow; so that his lordship forgave him ere he asked it.

His lordship then passing to the other side of the scaffold, where his coffin lay, and seeing one of his chaplains on horseback amongst the troopers, said, “Sir, remember me to your brother and friends. You see I am ready, and the block is not ready. And when I am gone into my chamber, as I shall not be long out of it” (pointing to his coffin), “I shall be at rest, and not troubled with such a guard and noise as I have here.”

Then turning himself again, he saw the block, and asked if all was ready. And so, going to the place where he began his speech, said—"Good people, I thank you for your prayers and for your tears. I have seen the one, and heard the other. And our God hears and sees both. Now the God of Heaven bless you all! *Amen.*"

Then bowing himself, he turned towards the block; and then, looking towards the church, his lordship caused the block to be turned and laid that way, saying, "I will look towards the sanctuary while I am here, and I hope to live in Thy sanctuary which is above for ever!" Then, having put his doublet off, he said, "How must I lie? Will any one show me? I never yet saw a man's head cut off. But I will try how it fits." And so, laying himself down and stretching himself upon it, he rose again, and caused it to be removed a little.

Then standing up, and looking at the headsman, he said, "Remember what I told you: when I lift up my hands, then do your work." Afterwards, looking at his friends about him, and bowing himself, he said, "The Lord be with you all! Pray for me!" And so, kneeling upon his knees, he made a short private prayer, ending with the Lord's Prayer. Then turning himself again, he said, "The Lord bless my wife and children! and the Lord bless us all!" And so, laying his neck upon the block, and stretching out his arms, he said these words aloud—"Blessed be God's glorious name for ever and ever! *Amen.* And let all the whole earth be filled with His glory! *Amen.*"

Then, lifting up his hands, he was ready to give up the ghost [or, in other words, expected the blow], but the headsman, not observing [the sign], was too slow. So his lordship rose again, saying, "What have I done, that I die not? And why do you not do your work? Well, I will lay me down again in peace. And I hope I shall enjoy everlasting peace."

So, laying himself down again, and his neck upon the block, and stretching out his arms, he said again the same words—"Blessed be God's glorious name for ever and ever! *Amen.*"

Let all the whole earth be filled with His glory ! *Amen.*" And then, lifting up his hands, the executioner did his work : and God, no doubt, hath done His too, and saved his soul. And no noise was then heard, but sighs, and sobs, and tears.*

* The earl was buried with his ancestors at Ormeykirk, to the no little sorrow of all loyal people unto whom he was known. After which his lady continued in the Isle of Man, until it was betrayed by one who had been her own servant [probably Capt. Chr.], who, having corrupted the inhabitants, seized upon her and her children, and kept them prisoners, without any other relief than what she obtained from the charity of her impoverished friends, until the happy restoration of K. Charles II.—*Dugdale.*

THE ACTS
OF
SIR JOHN STANLEY,
KING OF MAN AND THE ISLES.

A.D., 1414—1432.

ACCORDING TO THE SLOANE MS., 4149, p. 331,
IN THE BRITISH MUSEUM.



ACTS OF SIR JOHN STANLEY.

The Booke wherein be containd Ordinances, Statutes, and Customes, presented, received, and used for Lawes within the Land of Man, w^o were ratified, approved, and confirmed as well by y^r full honorable S^r John Stanley, Knight, Kinge and Lorde of Man, and divers others of his predecessors, as by all the Barons, Demesters, Officers, tenants, inhabitantes, and Comons. of the same.

OUR doughtfull Lord, and gracious, this is the constitutions. of the ould tyme, the w^{ch} we have seene in our dayes, how you shalle be governed upon your Tynwald dayes. First, yo^u shall come thither Royally and in y^r Royall arraye as a Kinge ought to doe by the prerogatives and Royalties of the land of Man: upon the Tynwold sitt in a Chaire covered wth a Royall Cloth and Quishines, and y^r vissage unto y^e east, yo^r sword before yo^u, houldeⁿ wth the pointe upwardes, yo^r Barones sittinge in their degree beside you, and y^r Benified men and y^r Demesters sittinge before yo^u, and yo^r clarkes and yo^r own knightes, esquires, and yeomen in wynges about you in their degree, and the worthiest men in y^e Lande to be called in before yo^r Demesters, if they will aske any thinge of them, and to heare the governance of yo^r Land, and yo^r

will, and the Comones to stand wthout in a circle in the folde, and the 3 Reliques of Man there to be, before yo^u in yo^r presence, and three Clarkes bearing them in their Surplesses. And then you shalle make be called in before the More Glanfaba, and he shall call in the Crowners of Man, and their yardes in their handes, wth their weapons over them, sword or axe, and the more that be of every sheading. Then the cheefe, that is the More of Glanfaba, shall make proclamacon upon lyfe and lyme, that no man make any disturbance or stirringe in the tyme of the Tynwald, moreover no risinge make in the kinge's presence upon paine of hanging and drawinge. And then yo^u shall lett yo^r Barons and all other acknowledge yo^u to be ther Kinge and Lorde. And tyme yo^u were here, y^{ou} receaved the land as heire apparent in your Father's dayes, and all y^r Barones of Man, wth your worthie men and Comones, did yo^r Father fealtie; And inasmuch as ye are now by the Grace of God Kinge and Lorde of Man, ye will now that the comons. come and shewe to yo^u their Charters how they hould of yo^u; and yo^r Barones that made noe faith ne fealtie to you, that they will now. And if any of yo^r Barones be out of yo^r lande, they shall have space, fortye dayes after they are called in, to come and shewe whereby they hould and clayme Landes and tenementes wthin y^r Lande of Man, and to make faith and fealtie yf the winde and wether serve them, or ellse to take their temperalities into yo^r handes, and then to proceede in y^e matter whatsoever yo^u have for to doe in fellony or treason, or any other matters that touche the governaunce of yo^r Lande of Man.

First.—That watche and warde be kepte thoroughe yo^r Lande, as it ought be upon lyfe and lime, for whosoever faileth one night of the watche forfeiteth bodye and goods: And whosoever faileth any night in warde, forfeiteth a wether to the witnesses, and the warde the seconde night a cowe, and the third night lyfe and lime to y^e Lorde, and to charge all manner of men wthin yo^r Lande to be readye at yo^r callinge, upon payne

of life and lyme, and then ordayne and proclayme that neither vessell ne boate take any man out of the Lande upon paine of forfeiting their vessell and goodes, and restorance of the man into the Lande againe, and he paying the debte he oweth to the Lorde, but if it be Marchantes or Shipping that to-daye come into the Land and doe pass away at the next winde, and no man elles that is resident wthin the Lande of Man, without specyall licence.

Also, when yoⁿ sende yo^r Livetenant into the Lande of Man and cometh thether and is receaved as Livetenant in settinge of Lande, courtes houlding, and all other governaunces we give for law that all his be firme and stable, and what man that offendeth to him to be punished as if he offended to the Lorde; and whosoever is borne and is resident wthin your Lande of Man, though he had payed his debts and fearme, he ought not to goe out of the Land wthout speciall leave. And if he doe, the lawe is to be tould yoⁿ in the governaunce of the Tynwalde. But if he goe himself away with any Boate of his owne, for if he steale any other mane's Boate hee is a fellow, and if it may be found, he forfeiteth his goodes, house, tenement, soever he be.

Also, whosoever occupieth any parcell of ground wthin y^e Land of Man wth cattaille either wth manurance, but if hee be any of the tenantes of the Siolantes, he ought to paye y^e vallew of his occupyinge wthout quest settinge or farme takinge at yo^r lust by the lawes of the Lande of Man.

Also, whosoever is sett by an inquest swoarne, whether he be poore or riche, he shall paye it if he have any goodes that occupieth the Lorde's ground, either in herbage or manurance, and if he have no good in tyme of settinge, the quest shall paye for him in the Roll that no goodes hath, and then he to be put to service, or ells to take V^s of ferme, and to finde surety of payment by our lawe of Man.

Also, where it is said that yo^r porter of yo^r Castell, yo^r waged yeoman wthin y^e garrysone dwelling should beate yo^r tenantes when they be brought into yo^r prison, and take of

them more then his fees : that ought not to be redressed before yo^r Demesters, but before yo^r Conestable w^{thin} yo^r garrisone, by yo^r lawe of Man.

Also we give for lawe that a Castell may be payed out of 5 mazes in a boat taken, and half a maz of iy mazes and a half in a boate gotten, as ofte as they goe to the sea : and get soe, and that is oure Lawe by custome and usage, and my Lorde to paye v^l^d for a maz thereof.

Also for the carryage of yo^r Turffe, all yo^r tenauntes of yo^r sixe Sheadinges ought by yo^r Lawes to carrye yo^r Turfes to yo^r places soemuch as yo^r lust is to have, wth all other carryages, suite, and services that yo^u neede w^{thin} yo^r Lande of Man, for that is use and Custome w^{thin} that Lande of longe tyme.

Also, Use and Custome of longe tyme is that moores of every Shedinge paye two markes for fyer sylver, yearly, to the Lorde, for it hath bene used in dyvers Lorde's dayes, and soe we give it for Lawe to be payed.

Also our Lawe is that the Crownere arest no man for Debte unlesse he have a speciall warrante from the Lorde, or from his Livetenante, but in pointe of fellonye, of deliveraunce of Servants, or of suretie of peace, wth many other pointes that belongs to his office, he ought to doe this by vertue of his office w^{thout} any warrante.

Also it is laweful for any of my Lordes counsell to styre and excyte any man to doe that may profitt our Lorde trulie.

Also forasmuche as Rysinge was made at Church Mychell upon the Livetenante that rep^{nted} the Kinge's Estate and his officers and his men, those that the Livetenant saw rise upon him there, w^{thout} any travers, or lawe, is that they be first drawne, and then hanged and quartered and their heades stricken off, and sett upon the Castell towers, and one quarter upon the Castell bourne, the second quarter at Hollone towne, the third quarter to be sett at Ramsey, the fowerth quarter at Douglas towne.

The Courte of all the Country is houlden at Kirke Michell,

upon the hill of Reneurling, before our most doubtfull Lorde, S^r John Standley, by the grace of God, King of Man and Isles, the Tewsdaye next after the Feaste of S^t Barthioamew the Apostle, in the yeare of our Lord Jesus Christ, 1422, in the w^{ch} Courte was called the Bishoppe to come to make his fealtie and faith to the Lord as the lawe askethe, and to shewe by what clayme he houldeth his Landes and his tenementes w^{thin} the Lordshippe of Man, the w^{ch} came and did his fealtie to the Lorde.

Alsoe the Abbott of Rushine, and the prioresse of Duglas, were cauled to doe their fealtie, and to shewe their clayme of their houldings, landes and tenementes w^{thin} the Lordshippe of Man, the w^{ch} came and did their fealtie to the Lorde.

The Priore of Whithorne, in Galloway, the Abbot of Furnes, the Abbot of Bangor, the Abbot of Saball, and the Priore of Sanntlebede, in Copland, were called and came not, and therefor were they deemed by the Demester, that they should come in their proper persones w^{thin} fourtie dayes, and came not, for the w^{ch} all their temperalties were seised into the Lorde's handes. In the same courte it was ordayned and proclaymed that all the watche and warde upon the partes and costes of the sea be well and duly kepte, and whosoever faultes, he forfeiteth all his goodes to the Lorde, and his bodye at the Lorde's will.

Also it was ordayned and proclaymed in the same courte, y^t no man, of what condicone. soever he be, goe not out of the lande w^{thout} specyall leave of the Lorde or his Livetenante, wth no vessell, upon payne of forfeiture of the same vessell and all the goodes therein.

In the same Courte all these Lawes of Man are confirmed by S^r William Standley, through the grace of God and of the Isles, and by the best of the Comones. of Man, that is to saye, William Skerffe, Renold Steevenson, and other. In the same Courte, Howlac Mackissacke is arrayned that he feloniously rose upon John Walton, Livetenant of Man, sittinge in the Court at Kirk Michell, upon the Tusdaye next after the Feaste of Corpus

Christie, in the yeare of our Lord God, 1422. And men there being wth him, did beate and misused the Livetenant's men in the Churcheyarde; and there Hawley came and entirlye withsaied all his deeds, and put him to the country. And to this the Demester answered and said, forasmuch as it was trayterously done to rise upon the same Livetenant, he sitting upon the Lawes of the country, denyed that he should not be reseaved into the quest, for he rose with strong hande; And therefore the Lawe deemeth that the said Hawley ought to be drawn wth horses and then hanged, and headed, and after that doom given, he put him into the Kynge's handes. And in the same Courte Fynlow MacCowlay, Mold MacGawne, Willm. Mackarahare, Lawrence Banister, and Finlowe MacJoyene, were arrayned, that feloniously and traiterously they rose upon John Walton, Livetenante of Man, sittinge in the Courte the daye and yeare abovesaid, him to slay, the wth appeared and wthstood the treason, and therefore put them to the quest. And to this the Demester answered and said, forasmuch as they rose against the Livetenante to slaye him, therefore the Lawe deemeth the said Finlo MacCawlowe, Mold MacGarone, William MacKarhere, Lawrence Banaster, and Finlo Macjoychene, to be drawne and their heades smitten off, and after that dome given they asked grace of the Kinge. And in the same Courte, Gibbon MacCaran, Donald MacKissacke, Patricke MacLyonyll, Donald Watersone, Gybbon, John Moryson, and Gybon MacCrawtone were arraigned for that they trayterously rose against John Walton, Livetenante of Man, him to slaye sitting in Kirke Michell in the Courte, the daye and yeare abovesaid, and the Livetenante's men there wth him beinge beaten into the Churche and Churcheyarde. The wth Gybbon and all the others put them in the Kinge's grace. And at the same Courte, Danold, the sonne of Patrycke MacCaine was arraigned as the others abovenamed, who appeared and knowleged the treasone, and put them into the Lorde's grace. And the Lorde of his especiall grace forgave them the treasone. And in the same Courte Molde MacChristen and John were

also arraigned of treason, for risinge against John Walton, Livetenante of Man, at the Tynwald, and knowledginge that they would have put downe the Lawes of the Lande, and consented thereto, and upon this answered and said not guiltie, and put them to God and the countrie. The Demester answered inasmuch as they did treason to constraine the Livetenante, he saying the Lawe, deemeth the said Molde and John to be drawen wth wild horses, hanged and headed, as above is judged in lyke case. In the same Courte, Symond MacBoymond was arraigned as the others abovenamed, and he putt him in the Lorde's gracc.

Hæc indentura facta inter Thurstanum De Tyldesley Rogerum Haysnap, Commissionarios Domini Johannis De Stanley, Domini Man et Insularum, ex una parte et Johanem Clarke Judicem Man, Willm. Skerffe, Reginald Stevenson, Willm. De Yvenowe, Johanem Rede, Gilbertum MacWanty, Patrick MacJohn, Andrew John, John MacNevyne, Gilbertum MacHanghan, Patrick MacCayne, William MacAlexander, Patrick Tomelinson, Gilbertum MacIsak, Marcum MacOtter, Gilbertum MacAndras, Donald MacCroyne, Donald MacBrew, William MacChristyn, Willm. Abelson, Doncan Abelson, John MacFergus, Hugonem MacKnalytt, Johanem MacSkealy, Patrick MacHelly, et Andrean Raynelson, xxiiij Claves Man ex altera parte, testatur quod predicti: xxiiij Claves legis cum Judice Man, dicunt et pro lege comuni judicant quod quicumque ligeus tenens vel ligei tenentes Domini Man forisfecerit, vel forisfecerint, in aliqua Causa felonie et prodicionis fugans retrahens vel removens a terra Domini Man in libertates Baronum et inde requisitus fuerit seu requisiti fuerint per Dominum Man aut eius ministros ad reveniendum ad terram et justificationem legis sue et si inde se excusat vel se excusant, non consentiendo revenire, et aliquis illorum Baronum infra Dominum Man eum vel eos, eam vel eas Retineat seu Retineant pretextu libertatum suarum seu libertatis sue seu aliqua alia causa emergente quod tunc forisfaciet Domino pro quolibet delicto retentionis pro aliqua causa supradicta lx^a et de corpore predicti transgressoris in aliquibus causis supradictis delinquentis respondeat vel re-

spondeant ad gaolam vel prisonam Domini Man, et hoc subpena forisfacture omnium libertatum suarum in Mann seiscitarum. Item dicunt et pro lege comuni judicant quod nullus ligeus tenens Domini neque serviens infra Dominum Mannie exeat removeat neque retrahat a terra domini ad terram aliquorum Baronum ad moram trahendam sine licencia domini subpena supradicta pro feloniis. In cujus rei testimonium tam predicti xxiiij claves legis et judex, quam predicti Commissionarii sigilla sua alternatim apposuerunt. Datum apud Castrum de Rushene die Martis xvij Die Januarii Anno Dom., Millesimo cccc^{mo} xvii^o, et Regalitatis Domini Man Quinto.

A Courte of all the Comones of Man, houlden at Tynwald before Henry Byrone, Livetenante of Man, upon Thursdays next after the Feaste of Sainte Marke, in the yeare of our Lorde God, 1429.

In the which Courte

John Nelson	Ffynlye MacKey.
Gybbon MacQuantie	Jenkin Lucasone
Jenkin MacNevine	Gybbon MacErmyne
Patrick Mac John Andrew	Gybbon MacGylandere
Gybbon MacKyssacke	Germede MacWilline
Will ^m MacAlexander	Gybbon MacOtter
Richard MacGawne	Symond MacFaille
Danold MacCorkane	Patricke Mor MacKerret
Patricke Quinnye	William Abelsone
Germede MacMartyne	Thomas MacCorkyll
William Skerffe	Hugh McKnakyll
John Reade	John Flynlawson
William of Ybeno	William MacCasmonde
Jenkin MacQualtroge	Hugh MacMaa
William MacQuain	Patricke MacKelly
Jenkin MacQuaine	Gybbone Dickson, Junr.
Michaell Gybbone	

With the advice of all the Comons. asken in way of charitie of y^r gracious Lorde of Man.

Sir Jno. Standley in the fyrste that the Tynwolde be houlden troyse in the year for amendinge of the Country & for our Lordes profyte, and that proofes be put downe savinge in the Lordes causes, as they were asked in the laste Tynwolde houldene at Kilkabane before John Walton Lieutenante of Man and that matters be determined be goode and trewe in the Country instead of proofes.

Also that measures of yo^r Lande of Man be made all after one, that is to saye, ferlot pottell and quarte be justly and truly ordeyned and made.

Also that no Irishemen or Scottishmen, nor other aliens be receaved into yo^r Lande of Man, but if they be swoarne to you and to yo^r lande of Man, and yf any goodes be taken out of any mans possession that a true inquest of men that were present when he fensed his goods that it should not be removed out of his possession, but as law will, and so the said inquest shall get him restorance of his goodes againe. And then the said man that took it against fense may sue it as the Lawe will yf he sue ane Action.

And if any man wedd a wife that is in farme, that her husband may paye her debte, and freele to come to her husband, and not to be sett in non other place, but to be freed by her husband.

Also that servantes be free once in the yeare, that is to saye at Hollantyde to serve in what place that they will upon our Lordes severall grounde.

A Courte of all the Comons. of Man holden at the Castell betwixt the Buttes. before Henry Byrone Lieutenante of Man, upon Thursday next after the yoll : XX dayes, in the yeare of our Lorde God 1430.

In the w^{ch} Courte sixe men for every Sheadinge of Man chosen by the whole Comons. of Man, that is to weete, William Skearffe, William of Ibeno, John Read, John Nealsen, Jenkin MacQualtroughe, and Jenkin MacKitlipe for Rushen ; Ffinlowe MacKey, Gybbon MacQuantie, Patrick MacJohn, Andro Jenkin Lucasone, Doncan MacSheman, and Neven MacQuain for Glenfaba ; Gyb-

bon McKissack, Willm. MacAlexander, Richard MacGawne, Donald MacGawne, and Gilchrist MacCormishe for Kirke Michell; Gibbon MacGillondras, Dermot MacWill^m, Gibbon Murghsone Taylor, Symond MacFaite, Patrick Mc MacKerd, and Michell MacComis for the Are; Thomas McCorkill, Hugh McNaykill, William Abelson, Doman Abelson, William McCasmond, and John Finlonson for the Garffe; Hugh MacMaa, Patrick Mac Helly, Gibbon MacPerson, John MacCanne, Michell MacGibbon, and Gibbon Dickeson, the younger, for the Middell, the which asken and beseechen, Henry of Byron, Livetenant of Man, the pointes asked in the Tynwald next before houlden to graunt and confirme to be houlden for lawe of our gracious Lordes will. In the whiche Courte the said Henry Biron, Livetenant of Man, sittinge in the said Courte grauntes and confirmes in the Lordes name all theire saide askinges to be houlden as for lawe fro henceforth as they are hereof^x written: In the wth Court William MacCowley is called upon to answer for as much as he smott Donald McGilbaïne in presence of the Livetenant one of the xij men sworne of the enquest in the head courte of y^e Abbot of Rushine forasmuch as the said Donald wth his fellows endited the said Will^m of felony, and the said Will^m had ill wounded the said Donold in the heade wth a staffe and him downe felled to the grounde in presence of the saide Livetenante of Man of the said inditement and upon that the said William answered and knowledged himselfe guiltie & putt him in the Lordes grace. And the said Livetenante asked the Demester what the lawe would of him that soe did and the Demester by counsell and advice of the eldest & the worthiest of all the Lande of Man, that is, to wyte of William Skerffe, Willm. of Ybeno, John Read, John Qualthrough, Gybbone MacQuantie, Gibbon McKessacke, William MacAlexander, Gybbon MacGilander, Willm. MacCasmond, William Abelson, Thomas MacCorkyll, Hughe MacNaikell, Patricke MacHelleie, William MacFaill of Glenloght, John Finlonson, and Hughe MacQuay, sayinge that forsomuch as the said William within the space of 24 pases fro the Livetenante without

the Courte, smot the said Donald as it is known by the said William, that the said William forfeites his bodye and goodes and touches treason, forasmuch as he offended as it is saide before in the tyme of the visitacon of the Kinge of Man the w^{ch} he grauntes to his Barones to be executed twyse in the year within their frauncesses by his Demester to be houldene. Also the said Livetenante asked the said Demester what the lawe will if any other man smote another not sworne by the Demester upon an inquest that touche the Crouner within the space aforesaide in presence of the Livetenante without the Courte, the Demester saith by the Councell aforesaide, and if any soe doe he forfeites his bodye and goodes. Also the said Livetenant asked the saide Demester if any man smit another in the Livetenantes presence w^{thout} the space aforesaide what the lawe will. The demester sayes that such a matter be punished by imprisonment at the Livetenantes will and to make fyne and ransume after the discretion of the Livetenante and to make satisfaction to the partie as the lawe of the Lande will. Also the Livetenante asketh what the law will if any man make a fraye and rere weapon in the Livetenantes presence, the Demester saies, to punish him at the Livetenantes luste: In the same Court Finlo Mackey, Jenkin Lucasone, Gibbon, John Moreson, Thomas MacGilhacosse, Patrick MacGermote, Donald Macmay, Jenkin MacNevyne, Donkane MacSheminy, and Michell MacEffe are called to answeare upon divers articles touchinge the King of Man, the w^{ch} presente by their oathes before Gybbon McKimbe Clarke comissary of Richard Pawlie Bishoppe of Sodory in his visitation houlden at the holme in the yeare of our Lord God 1429, as it appeares by the writinge of the said Gybbon Clarke amongst others that the particles were ordayned to the sustentacon of the poore schollars and nowe are delt in other uses in defaulte of the Bishoppe. And the Ffynlo and Jenkin Lucason wth their fellowes aforesaid, saye, that they will not pay the debts of holye Church till these ben corrected, as the Lawe wille. And upon the said Livetenante askes the Demester what the lawe

of Man will of the said Enquest, forasmuch as they attempted the Kinges right of his inheritance in his Lande of Man & his prerogatives without his leave or his Livetenantes. The Demester mayd open that Gibbon Clarke, and y^e said Enquest to answer upon articles, and shewed Gibbon Clarke his owne writinge of the articles above written by him, and there did he saye it was true, and put him into the Lordes grace for the writeing and the takinge. And then Jenkin Lucason was asked of the Demester what answere he would give and he sayed not guiltie, and that he would put him to God and the Countrie, that he never was sworne nor knew of the said presentmente. Ffinlo MacKay and Michell MacEffe made the same answer, and put them likewise to the country. Jenkin MacNevyne, Patrick McGermote, Donald MacMaa, Gibbon John Morisone, Thomas MacGilhaws, and Doncan MacShemyne answered severally and knowledged it, and put them in the Lordes grace. And upon the answere of the foresaid Ffylowe, Jenkin Lucason, and Michael Ibeson, an enquest of 24 were called and sworne, that is to saye, William of Ybeno, John MacQualtrough, John Graghson, John Germote, Hugh Mac Quay, Gybbon MacKessacke, Will^m MacAlexander, Gibbon Mac Gillander, Gibbon Morgheston, Donald MacGilcokum, Auley MacKissacke, Hugh McNakill, John MacPerson, Will^m Abelson, Will^m MacCasmond, Gybbon McTagart, John Finlowson, Apeke MacNeyll, Donold MacAlexander, John Stevenson, Michael Corrowane, Gybbon MacGylle, Morishe MacQualtrough, and Donold MacCarrane the sworne men, by theire oathes, sayene that the sayed Ffynolo, Jenken Lucasson, Michael MacEffe are not guiltie of the verdicte given in by the said Gibbon MacKissacke, and soe the lawe acquitteth them.

Oure most gracious and excellent Lorde, S^r John Stanley Kinge and Lorde of Man and of the Isles, in the vigill of oure Ladye

Sainte Mary 1422, at his castell of Rushen, hath asked of his Demester and the xxiiij the Lawes of Man, of the poyntes underneth written, to the w^{ch} the Demester wth the xxiiij givene for lawe that these be y^e pointes of y^{or} prerogative.

First if any maner person be outlawed w^{thin} the said land, he shall not be inlawed, w^{thout} y^{or} speciall grace and pardon proclaymed thoroughout your sixe shedinges. The forme and processe of outlawinge is this, First it ought to be made in your sixe Courtes of your sixe sheadinges, and at the Tynwalde the vijth Courte, to be made and called in wth the More of Glenfaba. And yf such persons soe called answer not, then upon the recorde of the sixe mores they present, having with them two witnesses, that they were called in the sixe sheadinges and appeared not, such persones shall by opene proclamacon. owlawed.

Also if any man w^{thin} y^{or} lande of Man be found in y^{or} Courte, or in any of y^{or} Barones Courtes to forswere the lande he shall never come w^{thin} y^{or} lande w^{thout} speciall grace and pardon of that judgements and payle.

Also whosoever w^{thin} y^{or} lande sustayneth or receaveth any person, after that he is outlawed, and so judged as is aforesaid, he forfeiteth his goodes and his bodye to be at the lordes pleasure. Also yf the Bishoppe or the Abbote or any other Baron within y^{or} lande of Man receave any owlawe after that he is outlawed without speciall grace and pardon, he forfeiteth his temperalties unto y^{or} grace, beinge Kinge and Lorde of Man: Also if any vessell or shippe or boate or any other goodes, be bayed within the heades of above the water or under, it is the Lordes by his prerogative. Also if any porpose or whale or sturghion be taken within the heades of Man, they be likewise the Lordes by his prerogative. Also if any manner of persone take any hawke or herone, harte or hinde, within the lande of Man he forfeiteth at every tyme to the Lorde iiij^{li}.

Also, whosoever foresetteth the Kinges highway for any man to beate or slay him, by night or by day, he forfeiteth all his goodes and his cattail, and his bodye to be at the Lordes pleasure. Also,

if any alien, be residente w^{thin} y^{or} Lande of Man, w^{ch} maketh no faith nor fealtie to the Lorde when he deceaseth, whose tenante soever he be, the Lorde shall have his goodes, and yf such a man make his Testament, it standeth to non effecte. But after fealtie made this prerogative ceaseth. Also if any alien that noe faith or fealtie hath made to the Kinge, forfeiteth in any case of life or lyme, and be fore judged in it though it be in these in hande or out of hand founde, though he put him in the Lordes grace before the verdit given acknowledged, y^e Lorde needeth not to receave him to grace (excepte it be his pleasre) by the lawe of Man. But and he be his borne man or ells have made faith or fealtie, and putteth him in his grace, yf he be indited and no maner in his hande or the verdit be given, he ought by the Lawe of man to have his life, but he forfeiteth his goodes, and then shall hee have the choyse of three thinges by the Demesters judgment. First, he shall have choyse yf he will rest in prison a yeare and a daye wth sustenance of that is to saye Bread of on part meale and y^e other part chaffe of the same meale, the third parte ashes, and drink of the next water to the prison dore. The seconde choyce is to foreswere the Kinge and his lande, or ells Thirdlie to paye iij^{li}. Also if any man hath done any point of Treason and taketh girth for feare to be punished therefore, his girthe shall not availle him by the Lawes of the Land of Man. Also if any manslayer have taken Girth & w^{thin} three dayes after the Crowner cometh to him and knowleged not what he hath done, the Crowner shall by the lawe of the Land take him out of the Girth: And if he will knowledge what he hath done, the Crowner ought to make him three proffers, Whether he will foresweare the Kinge and his kingdome, or he will putt him under the Crowners yeard and come to Gaole and abid the Lawe or grace, or he will abide w^{thin} the Girth duringe the space thereof. And if he choose to foresweare the Kinge and his kingdome and take to a Haven, the Crowner ought to sett him in the Kinges highewaye, & cut a crose. And if he hould not the Kinges highwaye, and the Crowner fyndeth him out of it, he to arest him by the Kinges yard and to

bringe him to the Kinges gaole whether he will or not, and who-soever disturbeth him he forfeiteth life and lime & if his enemys saye that they took him before the Crowner, the Crowner ought to prove it by two witnesses.

Also we give for lawe that our Lorde or his Livetenante may take an Enqueste at his owne choyce, yf they forsake his profers, that is to say by life and bodie or by some token of Parishe or Sheadinge. Also whosoever robbeth the Livetenant of his Horse or of any weapone of his beinge in Courte when that offence is made he is a Traytor by y^{or} lawes of Man. And whosoever beateth the Livetenantes men in his owne presence and robes them of their goodes he is a Traitor by our lawe, for whosoever beateth his waged men in his presence beateth himselfe, savinge the more duresse of his persone,

Also whosoever breakethe the churche or house upon the Livetenante or any of the Kinges Counsell in his presence if there be no harm done, but murmur and open grudgeing & risinge in his presence, it is Treason by our Lawe of Man. And whosoever constrayneth the Livetenante by any manner of wise to holde Tynwolde or any othere maner of thinge ells by constrainte, he breakethe the Kinges Royaltie, and that is highe Treason. Also, whosoever constrayneth the Livetenante to put down the Kinges customes or his prerogatives at the Tynwolde, he is a Traytor for the constrainte makinge by our Lawe.

And whosoever cometh by force and armes against the Livetenantes commandement, speciallie to the Tynwald where they should abyde by right and reason peaceable & maketh grudge or mourmor or rysinge, he is a Traytor by our Lawe.

Also whosoever receaveth or sustayneth Rebels, knowinge their rebellions, he is a Traytour by our Lawe.

Also whosoever maketh gatherings or consell in prejudice of the Kinges right or prerogatives he is a Traytor by our Lawe.

Also whosoever riseth against the Livetenant he is a Traitore, for that is against the Kinges prerogative.

Also whosoever falsefyeth any Enquest after that they be swoarne he forfeiteth iij^{li}. to the Lorde.

Also whosoever is swoarne and setten and after that they falsefy their owne oathes, they shall make satisfaction by our Lawe, and reforme them then to the church of perjurie.

Also whosoever is swoarne and telles the Kinges counsell and there on, he forfeiteth to the Lord iij^{li}. by our lawes.

Also we give for lawe that oure honorable Lorde be victualled when he is here himselfe of as much as needeth to larder or to other expenses to take, That is to witte a Cowe pris iij^s. all two heade Courtes of the yeare of every sheddingge, 2 mertes the price of a meyrte iij^s. iij^d. and when the Livetenante is here a merte every week wth other victualles, that is to witte, the pryce of a merte iij^s. a mutton vj^d. a porke iij^d. a lambe a pennie, a kide a ob, a pige a j^d. a goose ob. from Easter to Midsomer, and from Midsomer forth a penny. And this is the use and custome, and if ye neede more, more to take, howe it may be gotten w^{thin} the lande of Man. And at the seconde head Courte daye of the yeare xij mertes as it is rehersed before wth all other victualles after the price aforesaid.

Also we give for lawe, that there was never xxiiij beyes [Keyes] in Man in certaine, first they were called Taxiaxe, and that was xxiiij free houlders, that is to witt xvj in the out Isells and xvj in yo^r land of Man and that was in Kinge Orrys dayes but sithense they were not in certaintie. But if there a stranger casse come the w^{ch} the Livetenante will have reserved to the Tynwalde two in the yeare and by leave of the Livetenante the Demester there to call of the best to his counsell in that pointe as him thinketh to give judgment by, and without the Lordes will non of the xxiiij to be, and to the writinge, there was never non written since Kinge Orrys dayes, but in the tyme of Nicholas Blundll y^t we have any knowlege of. Also we give for lawe that oure Lorde or his Livetenante may hold a Tinwold or any other Courte whensoever him lust to doe execution and whereas pleaseth him

wthin his land of Man, excepte in Passyone Weeke, in wth time execution of lyfe and lime ought not to be done. But as for Courtes of Shallendes all tymes of the yeare and execution to be done.

Also if any man of holie Church, that is to witte person, vicker, or curat, or parishe clarke, make any offence to the Kinges officers, that is to saye if he doe it to the moore he shall be in amerciament of vj^s and it be done to the Crowner he shall loose iij^{li}.

And if any of the aforesaide men of holye Church loose any merciamment in any wise beforesaid, we give for lawe that if the Distresse be wthin the stepp of holly Church, the Lordes officers shall goe to the high Somner who shall deliver to the Lordes officers a sufficient Distres, and if the Sompner will not soe doe, the Lordes officer shall goe within and take a Distres himselfe. Will that every plee that is betweene party and partie be written out in the Courte Rolles, that it may be of Recorde againste effecte when such a case fall, what judgment was given that matter.

Also that all greate matters and highe pointes that are done even as they fall, I will that my Livetenant or my counsell for the tyme beinge take the Demesters to them wth the advise of y^e elders of the lande and deame the law truly to the parties as they will answere to me therefore, and that all such points be always registred and layed in my Treasury to that effecte that it may be read when such a case falleth that one Dome be not givene one tyme one way and at another tyme another waye contrary.

Also that there be Watches all winter both in the castell and in the Peele, and the watche well searched as the tyme requireth.

Also that every souldier and officer have bowe and arrows sufficient, Doblet and Hawbbergeone, swarde and buckler, spures and a saddle, on paine of forfeiture of theire wages.

Also that reparacones. that be to be made to be sufficientlie made at once and not every weeke newe to be made on paine of disallowance of that cost w^{ch} is soe made upon it.

Also that all officeres governe their office as their charge is, that no pride ne presumption make disention amonge them and

theire service the worse done, but all draw one way to that w^{ch} shall be profite to the Lord, and all discention left from henceforth on paine of forfeiture of theire fee and the discharging of theire office.

Also that no woman come wthin neither of the places wthout a specyalle warrant of the Lorde.

Also that there be in the Castell xl. Bowells of Wheate and xl. in Barley made in Mault and ground, and the wheate flower put in pipes, and y^e maulte layed upon the flower, and in the Peele likewise.

Also that the Comptrolere be every Satturdaye there and take the Household as he will answere to me. And take the stuard and the cooke, the bruer and the baker, and charge them on theire oathes to give me a true expence for the weeke past, and this to be done upon paine of forfeiture of theire fee. And in the same wise every Sondaye at the Castell.

Also that every Mondaye and other dayes of payment of the moors, that the Comptroler syt by and see all the leveyes of moneye, and write it, and when the payments are done to take the money and put it in a bagge, and the Livetenante to seal it, and put it in the Coffer that the bookes are in and not to be opened till neede be, either to send it to me, or what needfull expences that the Livetenante, the receavar, or Comptroller shall thinke needfull to be done.

Also that the Comptroler write all needfull expenses ever forthwith as they are done from tyme to tyme to send the Lord readie newese thereof howe he thinketh them governed well or ill, upon paine that belongeth thereunto. And that the Comptroler comptroll but such as be needfull and soe thoughte by the Livetenante, or ells that they come by warrante from the Lorde to be done or ells that they be needfull for the places.

Also that pyndefolde be made, duly as they were wont to be in old tyme, taking no keape to no rules, for I will have my fearme reared as the yeare asketh, but if any poore man be, I will he be eased for the tyme: And the bishoppe and y^e Abbottes, Auditors

for the tyme beinge, call before them all maner of officers, that is to saye Receavers, Comptrollers, Clarkes of the Rolles and Stewardes and also all that have bene in office before time, and to make them to sweare upon a booke to bringe before them all manner of bookes and Rolles of accomptes and ordinances, and all scriptes and other evidences that touche the Lordes prerogatives or the Lande or any matter that belongeth to the Lorde, and when yo^u have them brought before yo^u that then yo^u see what is in the Treasurye and write all, and lay all together in the Treasurye againe. And that there be non taken out till neede be upon paine of forfeiture of their offices, and their fees, And yf any Officer neede any thinge that is wthin the Treasurye to take him a coppie and lett the Register lie still in the Treasurye till neede be, and that the Comptroller see this be done every quarter dulye and that it be houlden on paine to all that breake may forfeite unto the Lorde after the lawe of the Lande.

And be it ordained that noe Barone have no some out of the lands but in merchandise one paine of the same some he carryeth out of the kinges lande of Man.

And forasmuch as before this tyme by misrule and wilfullnese of Livetenantes and receavers the lawes of Man have bene misgoverned, to them that they hated, too viperous, and to them that they loved, over favourable, soe that thorough their governance, the people have bene wronged, and profit taken to the Lorde otherwise than the lawe would for hate, and their profite, should be taken not done as the Lawe would, for favoure, wherefore, be it ordayned from henceforth, that the officers be true principallie to the Lorde, and the lawe of the lande, and to governe trulie between the Lorde and his Comons., and betwixt partie & partie, wthout rigorousnes, fraude or colloure, and that the Demesters give their Judgments at their pereill, saving ever unto the Lorde his prerogatives, and to be ruled by the advice of his Counsell and the Demesters, and that the Clarke of the Rolles may make his processes after the pleas, and poyntes that

are accustomed before tyme at his perill, soe that by yeares ende they may be seene, whether they be governed lawefullye or not.

And forasmuch as the Land settinge hath not bene made in due tyme ne reade to the people, wherefore many have lost their profet of holdinge and manuring that yeare and many newe tenants w^{ch} hath bene greate hinderance, and castinge doune of them, wherefore be it ordayned, that the sittinge be made betyme before Midsomer and read to the people, and when it is read to them, the Livetenante to make iiij men of every parishe swoarne to deliver to every one his penyworth after his houldinge, specyally to new tenants, and also to see that every one occupie and manure his land to his power, and that defence make that they soe doe. And be resident on their lande, the w^{ch} thinge done, the people w^{thin} y^e yeare if they be cherished thereto, may be able to reare the Lordes ferme of their Corne for the most parte, though noe fyshinge fall of hearinge, for by defaulte of Livery and partycion of land envyne and runinge to other lande and occupying it, and then will eiche one moke other, and soe they leese their goodes, w^{ch} greeveth them more then the ferme, and the Lord never the better.

And after the settinge that there be noe encrease of any farme, but if it be greate neede for the Lord, and that encrease soe geven us, that it be of sufficient persones, or ells of sufficient Barons or sureties, soe that the Lord from tyme to tyme may be surelie served of his good.

And forasmuch as the office of Milnes, leades, and Crowners be sett by the Livetenant, and not geven unto the Clarke of the Rolles, that hee might be tyme give them out in streates to the Mores, but houlden styll to the yeares ende. Therefore be it ordayned, that at the next Courte, after Midsomer, the Coroners be made and their nams entered into the Courte Roles, with the some that they take it for to ferme. Also Millnes at the same tyme, and also leades when tyme of settinge of them cometh. And forasmuch as the same Crowners have against the lawe stand in office two or three yeares together and taken enquestes

- of their affinitie to ende it whome they ought ill unto for mallice. And also when the enquest endited certaine persones then the Crowners will discover to them that be endited and take them that are soe endited and not acquite and endite them and their affinities, and also will where they have noe charge ne precepte send arestments upon the comon. people, and make pettie fynes wth them unto greate vallowe, to the greate hindring, and the greate distruction of the poore Comynaltie, Wherefore be it ordayned that no Crowner stand any longer in office butt a yeare, that he take no enquest but twice in a yeare as the Lawe will, but for open cause required or elles by comaundemente from the Livetenant in open Courte by an enquest swoarne before the demester and thereto returne writinge, that he arreste no man wthout a warrante sealed and returnable, but for Treason and felony, or that, or that the peace be broken, and so governe as the Lawe of the Land will in his presence, or ells required at the suite of a partie, and the same suite at the next Courte after to be returned.

Also that the fynes of felony be made, yf the Livetenante and the parties will, soe that it be profitt to the Lorde, and that they be made openlie in the Courtes, that the whole Councell sittinge knowe that it be made for the Lordes profitt. And whereas Shipmen and Chapmen might have no licence to passe the Land wth their goode and cattalles to reare the Lordes ferme as they were wonte to doe, w^{ch} hath bene great hinderinge to all the Lande, for better it weare for them to thrive upon their merchandise, then other forraine Marchantes and Chapmen. Therefore be it ordained that every Chapman and Shipman have licence, as ofte as his profite is to goe into Englande, Irelande, and Wales, soe that he warne the Livetenante and have licence, and if he have any cause over into the costes that they goe unto.

Also that they take no tenant nor servant of the Land away wthout licence of the Livetenante, ne againe no Defence may to them on paine that may fall there one, that is to saye forfeite his vessell, and to paye the ferme of them that he carryeth away and

his bodye to prison, and also that he fyne suretie to come againe if he have his leave.

Also be it ordayned that every Mondaye the Chauncery be houlden in the Castell, and there who will present any warant either for the Lorde or for himselfe, for any maner of arest or for any other cause, that he may have processe out of the courte, returnable against that daye sevenight or ells at the next courte of the shedinge, that the cause should be tryed in, so that every cause may have lawfull begininge and proceed as the Lawe will.

Also for many men for faulte of witt and counsell, and for greate maintenaunces made againste them by champtie, oftentimes loose their true causes, the w^{ch} causes at the makinge of fynes and amerceamentes are no more considered than such as be misdoeres or rightfully cast. Therefore be it ordayned that all fynes and merciamentes after the cause considered by the wholle counsell and after their powere that they may be standinge. Also, forasmuch as dyvers causes that fall often tymes to be no ende wthout the Royall Courte of Tynwald, and if a man do make or comitt a trespasse wthin one sheadynge and before the cause be determined, he flyeth into another sheadynge, yf the partye that would sue for being greeved, then must he sue there as the offender is dwellinge, the w^{ch} Jurisdiction hath a knowledge of the trespasse, and then for favoure of his neighboures the partie should have noe remedy. And if the partie plaintife would sue him there as the trespas was done, then will he not appeare for he is not within their somons. And for such causes, and for salvacon. of the Lordes prerogative, Be it ordayned that the Tynwold be houldene two tymes in the yere at the leaste, if the the highe Counsell think it needfull for the Lorde and for the Country.

Also forsoemuch as the receavers have made their Receaptes and Reconninges wth the Moores of payment of victualles to the Lorde and to both the places in Man, and in assignement and reconed with the steward for the paymente of reparations and other thinges, and wth shippmen for their freight, and for their

heyres without any knowlege of the Comptroler. Therefore, be it ordayned from henceforth that the Exchequer be houlden every Mondaye. And there all suche receiptes, reconinges, and payementes of money to be made openlie, and comptroled on paine of disallowance of all costomes and paymentes made w^{thout} sight of the Comptroller, and also of the beastes praysed and taken up for the Lorde at the pinfolde of who and what price.

Also, be it ordayned, that no offycer take any giffes of any tenants, nor other persons, on paine of forfeiture of his fee. And also that no offycere ne feed man be of fee wth no Barone upon the same like paine.

Also, be it ordayned that no man have no page within anye of the places w^{thout} specyall warrant, saving them that ought to have that libertie of right. And there shall no bookes goe out of the Treasurie without the assente of the whole counsell, and in theire presence. And foreasmuch as greate wast hath bene made in the castell and in the peeles in bread and ale, fewell and candell, therefore, be it ordayned, the Livetenant to have a loff, a gallane of Alle, and two candles in the somere, and in winter reasonable fewell everye night from Allhallan-tyde tyll Easter, and a page & three horses at hay, and xx bowells of oates at the Lordes price, and the Receivore to have a Pottell of ale, haffe a lofe and a Candell in somer, and two Candelles in winter, and reasonable fyere; in the same maner the Clarke of the Rolles an quarte of ale & one candell in somer, and twe in winter, ij horses, a page and haye, and ij Bowles of provender of the same price.

The Comptroler one quarte of Ale, and one candell in somer and twe in winter, a horse, and haye, and ij Boweles of provinder at the same price. The Conestable of both places, eyther of them halfe a loffe, a quarte of Ale ij candles, fewell in winter reasonable, and ij Turffes in a night, in somer tyme to hould fyere to serche the watches, and no more liverys, wth specyall warrant and comaundemente.

And it is ordayned that no souldier be taken in no place, ne put out w^{thout} knowlege of the Lorde, but in needfull casse.

Also that no souldiere of one place be receaved into the other upon paine of forfeiture of his fee, at meate and drinke, but yf he come on the Lordes errande.

Also that no Souldier should continewallie any Leman within a meyle of either of the peeces upon paine of forfeiture of his fee. Also that no Souldier, no feed man, buye ne selle wthout the Lordes warrante upon paine of loosinge their fearms and wages. Also that no yeoman have meate ne drinke but at the bolles. Also that no yoman goe out of any of the places wthout knowledge of the Conestable. Also that no Souldier ne other make any debate wth anye of the places upon paine of forfeiture of his fee, and imprisonment of his bodye, and makinge fyne and Ransome to the Lorde.

Also that the receavors of both places, be sufficientlie victualled at the begininge of the yeare for incomes, or elles to paye for them himselfe, but if it be soone done, he be suddainlie surcharged.

Also that saulte be receaved to nether howses but by Indenture, and the same indenture to be delivered to the ascompt with other expences upon paine of disallowance of the same saulte.

Also forasmuch as the receavere before this tyme made payment to the Lorde wthout knowledge of any Officer or Comptrouller, w^{ch} if any vessell that bare such payment were perished as God defende, it might be sayed that it were a greater some then were delivered, but such as the Lord chargeth to bring him wthout knowledge of the counsell and by indentur and, that one parte thereof be left in the Treasury, and also it be comptrolled upon payne of disallowinge of the same. Alsoe when any perticon of lande is made to every tenante after their houldinge, and his ferme bearinge, then that all wast be seased into the Lordes handes, and fyne set thereon that no man occupie it untill it be accorded wth the Livetenante and the Counsell, saving those places that take their parishes agreate. (*Erased in the original MS.*) Also be it ordayned that Crouner standinge in office tak quarrell in hande, ne be parte ne advocate in no plee

during his office, but in the Lorde's causes. Also be it ordained that the Waterbaylife have his Deputie swoarne in every haven to make Defence in all such cases, and to make processe thereon, that if any forfeite lawefull price may be made when he is not required on the Lordes behalfe, and what good taken out and wrytten what they bring in. Also be it ordayned y^t if any arrest be made by the Waterbaylife that it may be given into the Clarke of the Rolles, so that the Lord may have the Amerceament. Also that no man paye the porters any fees for coming in of the Lordes debte but as the Demester will by processe give for Lawe.

Also that no person be imprisoned at the suite of the partie for no debte ne for no trespass betweene partie and partie, but as the demester will by processe.

Also that neither the Livetenante nor receivor shall have liverie of bread Ale Candles ne Fewell to their Chambers but where they are in proper person.

Also if the Livetenants or any officer of myne take or conceall any profite or renewes from my Comptroler they shall leese their fees Levyinge concealinge or doinge it singulerlie by himselfe against my comaundment.

Also I will that the receiver have governance of all maner Victualles that belongeth to store, as wheate, maalte and saulte, and it to be delivered to him to the Steward, so as there be no wast made upon paine of forfeiture of his fee.

Also that the Livetenant ne the receiver shall not ride into the Couatry wth too greate a multitude of people for too greate Cost makinge, ne make no feasts ne gatheringe, ne no suitors have noe answeres there but the longer taryed for their suite, and that it be soe declared unto them.

Also, I charge my Stewardes of bothe my howses that they be governed by the Receiver and the Livetenante as they will charge them in a comaundmente of a Mendeament of Expences that are necessary, yf they see there be any not the old governance before. Also the receiver and Comptroler shall take

the Accomptes of Howshold every weeke or fortnighte at the furthest, yf they see any expences excessive that they Comone. wth the Livetenant thereof in all hast, or elles they to paye it themselves.

Also yf any of theis ordinances be broken and not houlden by any of our Officers nor Souldiers, that the Comptroler send me worde anon as he hath knowledge of it, and if it be not punished upon paine of forfeite of his fee.

Also the Clerke of the Rolles to write all maner of Pleees wth full letter and the Judgement thereof in parchment, that if so be that any like Cause come another tyme, that it may be founde another tyme of Record in the treasury, and all maner of questions asked and given in by the Dymesters and the xxiiij Keyes, that it be of remembrance in the treasury upon paine of forfeiture of his fee, the Clarkes fee and of their fellows.

Also that the Treasurere shall not ask non allowance of no parcell as payed and it unpaid upon the paine of the forfeiture of his fee.

And that no man sitt at the highe table, but those that take gentlemen's wages, savinge the Comptroler.

Also there shall be neither Bishoppe Abbott ne Barone of the lande of Man receive no strangers wthin their Howses wthout knowledge makinge to the Livetenants what they are, & from whence they come, and whether they shall, and of what condicon theye be. Also that the Abbote shal not receave no Monk to be resident ne none posses wthout licence of the Lord. Also that the receavere paye the Souldiers at the quarter upon paine of disallowance of all that he asketh allowance of, Soe that no complaynte thereof be heard. Also that the Comptroller shall sodenly call foreth at every quarters ende all the Souldiers of the two places to their musters and who soe is not sufficient arrayed, he for to loose his yeares wages. Also that the Bookes be putt into the Treasury and locked wthin thre lockes, and the Livetenant to have one keye, and the Receavor another keye, & the Comptroller another keye. Also that my receavor reparell my

places sufficientlie by the advice of my Livetenante, my Counsel, and my Comptroler and that are now unrepared to be reparell'd by the advice of our sayd Counsell as aforesaid, and they to be privie to the Costes and this to be at the warrant, soe that henceforth there be no decay for defaulte of Reparacons, betyme, upon paine thereof that shall ensue or followe.

Also, that no Myne goe forth, sett by my Livetenante nor my receaver and my Comptroler to my most profite and that the mynre do his dilligence and that he faile not herein for no manner of causes ne noe Excusations or elles to make me warninge, for I will not that he loose any of my good and lett my profit goe by.

Also where before this tyme, the Comone. wealth of this Land by carrynge forthe for their owne singuler avayle such merchandizes as be brought by strangers to sell into the country, by the meanes of privie bargaines and engrossynge all or great parte thereof to their own profite, and then sellinge the same to the country by their owne price. Therefore, be it ordayed that noe maner person bargain nor buye any such marchandize afore it be seene or knowen, and sixe or fowere such discreet and true honest persons of the country as the Livetenant and the Counsell shall appointe there unto, w^{ch} sixe or fower persones shall be solemplie swoarne to devide the said marchandize and endevore them trulie to make bargain for the profyte of the Lande, soe that the marchantes and buyers of the country shall have the preferment thereof by the sighte of the Livetenante and his Counsell, and if the countrey be not of powere to buye the said marchandize, then the Lordes receavors, if they thinke it for the Lordes profit, by the advice of the Livetenante and his Counsell, to buye it for the Lordes use, in consideracon. of returne and recourse of marchandize, provided that notwthstandinge these ordinances, that the Lorde be first served of such stuffe as shal be necessarye to the use of himselfe or any of the expence of any of the housholders, and that no manner of man doe attempte, ne doe contrarie to

this ordinance upon paine of imprisonment, and makinge fyne and ransome at the Lordes will.

Also that no alien cominge to no haven of Man, with marchandize or otherwise, passe not forth into the lande, but to the next Parishe Church upon paine of forfeiture of his goodes and his bodye to prison.

Also that noe marchante have no money out of the Lande but for his costes, and see it to be certified by the Livetenante and the Counsell.

Also that Scottes voyde the Lande wth the nexte vessell that goeth into Scotland upon paine of forfeiture of their goodes, and their bodies to prison, excepte such as be licensed. Also that no boate bringe in beggers ne vagaboundes into the lande upon paine of forfeiture of his vessell and goodes.

A Quest taken at the Castell of Rushene, in the year of our Lord God, 1521, that is to say, Harry MacGawne, William MacQualthrough, Tho^s. MacQuarke, Thomline MacCarrane, Roberte Norras, Gilbert Corkine, William MacFayll, Moned MacFayll, Mark MacChrastene, Fynlow MacCorleat, Patrycke MacNeall, John Martinsone, William MacQuarke, Willm. MacCalle, Mould Mac , Willm. MacLone, William Moore, John More, William MacChristene, John MacCreere, William Stevenson, Patrycke Clevage, John Bradshawe, and Thomas Water.

We fynde by our oathes that there shal be Coabes partayninge to a man, yf his Father have a panne, his sonne to have it or els his best pott, also a Jacke and a sallett, Bowe and Arrowes, Swoarde and Buckler, his best board, his best stoole, his coultere, his Rakentre, his best coope, if it be made of Woode and bound aboute wth silver and Gilded with gould, and his best coffer. These are Corbes partaininge to a woman, the best wheell and cardes, a Rakentre, a soucke or elles a Mankes spayd, the

best Beedes of Jet or elles of Amber, the best brouch or Agnus Dei or the best crosse, and the best pott or pane. Furthermore, we fynde by our conseyences, that they that were takene in Duglas by will in curmyne sone ought to pay every one of them iij^s iij^d towards theire costes. First we fynde by the vertue of our oathes, as concerninge William MacCormyn in askinge ransome of divers persons for his some w^{ch} were taken wth him into Scotlande, we fynde that he oughte to paye non of them, for we never sawe non payed for such causes and that yt was guiltie of himselfe that he went, howe be it there is conseyence in it.

Also we fyne as conserninge Thomas Sansberye w^{ch} sould barleye unto John Clarke his wyfe, we fyne that he should paye it.

Also wee fynd that the Barons shoulde have no tyle to any persone that is borne out of the Land, and cometh into the land; but my Lorde may have him to beare fearme before any Barone, also we fynde that the poore w^{ch} disobayeth the Crowners, for my lordes busines, and be broughte to the Castell or peelles shoulde paye no fee to the Crowner, nor porter, because they stand in my Lordes grace of iij^{li}, and that my Lorde may punyshe any person in the Castell that will not obay his comaundements payinge no fee but at my Lordes pleasure.

Also furthermore that the Moore shall goe for no customes noe further than his charge shewes him, and that the Moores shall not take no Stowkes of Corne of no man, excepte it be given him wth a good will, for it is no custome nor dutye.

Also we fynde that the Crowner ought not to have custome of no man, but of him that beareth rente to my Lord. And if it be but a penny Rent, he shoulde pay the Crowners dutie. And the more should be free of all manere of custome, as my Lord maketh him, wthout paying groate to the Crowner, for it is no custome.

Sir William Ince, Sir Phillipe Skillicorne, Sir James Clarke, Sir How Norras, Sir Thomas Stevensone, Sir John More, John Gawne, John More, Roberte Norras, Robart Waddres, William

Memorandum, that Jenkyne a Moore, and John MacChristine Demesteres, by the advise and counsell of xxiiij of the lande, swoarne to the Demesters by thaire desire the second daye of December, the yeare of our Lord God 1499, have given for Lawe these pointes followinge, viz. :

Item, to the demesters iiij^a. and to the Moore muche
be freed or elles the third pane.

Item, they saye, that all such goodes to John Moore further-
wise to be his childrens that he had by the same wyfe.

Item, also they saye that the aforesayd woman w^{ch} perished herselfe can paye no duties to the Churche, insomuch she had no goodes but my lordes by reason of forfeiture,

Also they saye that childe w^{ch} John Moore had by this woman that shead herselfe can have no parte of her mothers goodes by the same forfeiture excepte that w^{ch} was given the s^d child at the fonte stone.

Also we saye, that all the Debtes should be payed oute of the whole goodes, and after that, the forfeite abovesaid to my Lord & the offycers, to be of the free goodes.

Whereas complainte was made in the yeare of our Lorde God 1570, and the 9th of October by the wholl Comones to Edward Tarbocke Equire Captayne of the Isle of Mane, and all other my Lordes head officers, and the two Demesters, that Robert Lassells now forstere of the said Isle, did clipe their sheep unlawfully wthin the said felles, where upon the Captayne did demaunde the lawe of the two demesters what was the Lawe of the same, whereupon John Lucas and Hughe Clarke, taking a little pawse did request the s^d Captayne that they might have the advise and counsell of xxiiij of the Auncientes of the Isle accordinge to the ould custome in such cases, the w^{ch} was graunted them by the Captayne and the reste of my Lordes counsell, and then they did choose a Jury as appeares by their names herein written, Willm. More, Patricke Materson, Sharre, Willm. Quarone, Richard MacKerron, John MacGawne, Patryke MacTerro, Gilbert MacMarten, Richard MacOtter, Willm. MacKinread Phillipe MacJoghene, Willm. MacConolle, Molde MacKarron, Donald MacChristene, John MacCreere, Willm. Hutchin, Robarte More, Robart Creekerstone, John Farghene, Gilbert MacKelly, Wyllm. MacCowstene, John MacIlvory, Patricke Hymen, and John MacNevee.

W^{ch} bene swoarne upon the Evangelistes doe saye as heareafter followeth. First, we fynde by the virtue of our oathes that the forster or his deputie oughte to go forth on Sainte Colomes even thoroughe the forest, and to ride to the toppe of the highest hill in Man, and there to blowe his horne thrise, the same done, and then after to range and viewe the foreste, and on the thirde daye to goe forthe and take such companie wth him as he shall think

likest to see what sheepe he fynde unshorne, and if he fynde any unshorne, he ought to take them wth him, and if the said sheepe be not milkes to sheere y^e said sheepe and to take the fleece to his owne use, and put a privie marke on the same, and soe to use all that he fynde wthin the precincte of the foreste, the same tyme, to the intende that if any such sheepe be founde the next yeare by the said forster, then he to certifie to the Comptroller and receaver of the same, that they may be recorded in the Courte bookes, and so be praysed and sould for the Lordes most profite.

And whereas the said forster did claime a lambe wthin y^e precincte of the foreste, because it was unmarked, we finde by virtue of our othes that he ought not to claime such duties as beinge due to the forster. But if he fynde any such lambe, sheepe, goate, or kid that hath no marke on them, he oughte to take them and put a privie marke on the same to the intende that if he fynde any such the next yeare not claimed by any person to have just tytle to the same, then the same to be praised and sould for the Lordes most profite as a straye.

♦

SUMMARY OF THE ACTS

OF

JAMES STANLEY,

SEVENTH EARL OF DERBY, KING OF MAN AND THE ISLES.

A.D., 1627—1651.



SUMMARY OF THE LEGISLATION

OF

THE SEVENTH EARL OF DERBY.

JAMES, Lord Stanley and Strange, was called to Parliament by writ in 1627, the third year of Charles I. From that date to his death, in 1651, the government of the Isle of Man was administered by him. In Mills' Statute Book, from page 84 to page 113, we find the records of his legislative actings, taken from the authorized copies in Rushen Castle. A careful revision of that text has lately been made, in preparation for a complete and uniform edition of the Manx Laws, which it is hoped the Manx Society may be instrumental in procuring for the Island. It is not desirable, therefore, to enlarge the size of the present volume by giving the full text of the seventh Earl's enactments. A brief abstract, which all insular readers may compare for themselves with Mills' text, will be sufficient to indicate the character as a legislator, of that remarkable member of the house of Stanley.

The second Stanley legislator, like the first, made seven additions to the Statute Book.

The first was an enactment "at the Tinwald holden the 24th June, 1629, and confirmed by Lord Strange, as in the Exchequer Book, 1630, appeareth." The preamble is as follows: "As in

every well governed Commonwealth, wholesome Statutes, Orders, and Laws answerable to the Times, are usually invented, prepared, and enacted, for prevention and avoiding of such present and future annoyances, inconveniences, and losses, as the Magistrates find the Members thereof to be subject unto and to suffer; so the Government of the Inhabitants of this Isle being exemplary of ancient Customes, guided and provided for by the like Ordinances; we therefore the Captain, Deemsters, Officers, and 24 Keys, having advisedly observed and considered the manifold Misdemeanors and evil Accions comitted in these Times by Mallefactors, to the Ruin and Distruction of the Commonwealth, doe for Remedy thereof ordaine, enact, and publish, to be executed for Law henceforth, as followeth." The object of the statute was to increase the severity of the penal code, by imposing the penalty of death on all stealing of sheep, swine, beehives, turf, gorse, corn, hay, geese, hens, ducks, garden produce, wool, &c. Juries had been in the practice of extenuating the rigour of the law, which must be prevented in future. Very severe punishments enacted against cutting trees and pulling horses' tails. The rights of minors restricted. Coroners to continue in office no longer than one year. The law of corbes altered.

The second addition to the Statute Book consists of "Orders and Directions given concerning the Isle of Mann, by the Right Honourable James, Lord Strange, Lord of that Island, the 22nd day of November, Anno Domini 1636." These orders are nine in number. The first permits the Lord's Officers to receive Rent in grain from poor tenants. The second deprives Coroners and Moars of their stipends, and orders them to be paid only for work actually done. The third reduces the Deemsters' salaries from xiiij^l. vijs. viij^d. each to the old payment of vij^l. xs. yearly. The fourth directs the Receiver-General to account quarterly to the Captain and Comptroller. The fifth refers to Breast Laws, and is as follows:—"Whereas the Lord is informed that the Deemsters of the Island do sometimes give Judgment by Lawes unknown to his Lordship, or any other of his Councell of that Island,

called Brest Lawes : his Honour therefore declareth his Pleasure, and doth order and direct, that the said Deemsters do, upon Notice of this his Honour's Order, sett down in Writing, and certify to his Honour by the next Passage, after what Lawes these Brest Lawes are, and of what Use, in what Cases they are requisite, and how far their Power and Execution of them extende ; and in particular to certify, whether the same be used in all Cases, that is to say, Criminal for Punishment of Offenders, and Civil for Decission of Rights of Lands and Goodes, or in which of them, or in what Cases are any of them ; whether by such Lawes finall definitive Sentences, Orders or Judgments are given, whereby the Causes are absolutely and finally determined, or but interlocutorie Orders before the final Decree or Judgment ; whether Judgments or Orders made by such Lawes be subject to any Appeale or higher Judgment, or do extend to Matters of any Value whatsoever, or be restrained to some certain values ; whether the same are to be pronounced in open Court, or may be done privately out of any Court or Session ; and whether by the Opinion of one Deemster alone, or with what Assistance ; what Entree or Remembrances is made of such Orders or Judgment, and how it may appeare that the same is not repugnant to the known Lawes and Customes of the Island ; or one Brest Law contrary to another ; and how the People may take notice thereof, to frame their Accompts and Contracts accordingly." The sixth is that order may be given for re-building the Lord's Mills, and demolishing lately-erected private mills, that thereby his Lordship's prerogatives and his profit of mulcture and toll may be preserved. The seventh relates to ecclesiastical appeals, and is as follows :—"Forasmuch as the Execution of Justice, and Punishment of Offenders, have of late been much delayed by unnecessary Appeals from the Ecclesiastical Courts in that Island, sometimes to the Lord of the Island, and sometimes to the Lieutenant or Captaine of the Island, or his Deputie, and to the Temporall Judges and 24 Keys ; for Reformation of which Delays hereafter, and for Quietness and avoiding of Differences

between the Ecclesiasticall and Temporall Courts within that Island, the Lord is honourably pleased, and so doth declare, direct, and appoint, that noe Appeale shall hereafter be made from the Ecclesiasticall Courts to the Lieutenant, or to the Captain or his Deputy, or to the Judges or 24 Keys, or any of them, for any Cause depending or determined in the Ecclesiasticall Courts, which do meerly concern Government of the Church, Excommunications, Suspensions, Incests, Adultry, Fornication, Prophainacion of God's Name, Prophainacion of the Sabbath, Cursing, Probatt of Wills and Testaments, granting of Administration, granting Tuition of Infants Goodes, or merely substracting of Tythes, or for, or concerning the Defamations determinable or punishable by the Ecclesiasticall Lawes: Let these Proceedings be no Ways prejudiciall to the Priviledges formerly enjoyed by the Soldiers there under the Captaine in Garrison. These directions to endure until his Lordship hath further considered of the consequence of this business, and do give further orders therein." The eighth is an order to enrol all the forementioned orders and directions in the records of the Island, that they may be duly observed by all, upon pain of such punishments as are due to contemners of his Honour's command, any former directions to the contrary notwithstanding. The ninth is an order for copies to be sent to him of all Laws made since the decease of Ferdinando, late Earl of Derby.

"In testimony whereof the Lord hath subscribed with his Hand and affixed his Seal, the day and year first above written.

"JAMES STRANGE."

The third addition to the Statute Book is thus headed:—"At a Court of Tynwald holden in the Isle of Mann, the 24th day of June, in the yeare of our Lord God 1637, it was enacted, established, and confirmed, by the Sovereign Liege Lord of the Island, James, Lord Strange, and by the Barrons, 24 Keyes, Commons, and Inhabitants of the said Island, assembled at this Court, as followeth." The object of this statute is (1) to prevent all forestalling and regrating, (2) to secure some uniformity of

weights and measures, (3) to forbid all exporting of provisions from the Island without the Lord's license, (4) to require, for the first time, that none sell wine, ale, or beer without a license, and (5) to limit the period within which actions real and personal could be instituted.

The fourth addition to the Statute Book has so important a bearing upon the political and ecclesiastical history of the Island, and is so specially referred to in the Earl's letter above printed, that it must be given in full.

INSULA MONÆ.

APUD CASTRUM DE RUSHEN, xxx° DIE OCTOBRI, 1643.

Whereas before this time, at Peele Town, the xvijth day of July, 1643, before the Right Honourable James, Earl of Derby, Lord of the said Isle, &c., the Officers spirituall and temporall, with the 24 Keyes of the said Island, and four men of every parish, were assembled together to advise and consider of certain Grievances of the Church and Commons of the said Isle, laid down and expressed in and by their several petitions and complaints unto his Lordship, and to study and devise such convenient remedy and redress therein as might or may best stand with the maintenance and preservation of his Lordship's royalties, rights, and prerogatives of and within the said Island, the good and welfare of the Church and Commons of the same, and the peace and safety of the whole state in general; at which place and day it was mutually condescended and agreed unto by all parties, as well complainants as defendants, and it was their humble desires that his Lordship should chancelarise, order and decide, all and every their matters and business of complaint or agrievance whatsoever, as in his Honour's wisdom shall be thought meet and convenient. To which order, doom, and decree, every of them, viz., the Reverend Father in God, Richard, Lord Bishop of this Isle, with his Officers spirituall, and the body of the Clergy, the said twenty-four Keyes of the Island, with the four men of every parish, in the name of themselves and of the whole Commons of the Isle, by whom they were chosen and thither

sent for that purpose, did condescend and agree for them, their heirs and successors, to stand, to perform, and abide such his Lordship's order, doome, and decree therein, as should be thereafter published and declared under his Honour's hand and seale. To which end and purpose, and for the more perfect, more ready, and good performance of the business, according to justice and equity, his Honour (being willing to understand the true state of all their causes and grievances) was gratusly pleased to give order that a select Jury or Grand Inquest of twenty-four men, newly chosen, whereof 12 of the 24 Keyes to be part, and 12 of the four men of the parishes there present, should be impannelled and sworn to find out and present all such wrongs or abuses as have been committed or acted against his Lordship's prerogative, the laws of the Island, or the good of the comonaltie, as by the tenor, form, and effect of the oath then administered unto them by Ewan Christian Esquire, one of the Deemsters of the said Isle, more plainly appeareth; which oath was *verbatim* as followeth:

You shall truly and faithfully proceed and prevent all such wronges and abuses as have been committed and acted against the Lord's prerogative, the lawes of the Island, and the good of the commonaltie; all which you shall, by virtue of your oath, maintaine and defend.

You shall, without malice, favor, or affection, give in a true answer according as cases shall (by sufficient proofs and testimonys, records, or any other legall manner) be made appear. So God you help, and his Holy Word contained in this blessed Book.

The Names of the said 12 chosen out of the 24 Keyes are, &c.
The Names of the said 12 chosen out of the four Men of
the Parishes are, &c.

All of which, as one Grand Enquest or Jury of Presentment, do find and present upon their oathes certain prooffs and examinations which they had taken upon the petitions of the several parishes, the most of which did concern particular abuses of the Clergy, by particular ministers and proctors, in the collecting of

their tithes and duties to the Church, contrary to the known lawes and orders of the Island : Whereupon his Lordship gave order, that the Clergy and Proctors should make their answers, and plead their defence against such the complaints of the country ; which accordingly they have done, and have given his Lordship such satisfaction therein, with promise of reformation for future times, and have made and offered also to his Lordship such feizable reasons of their just grievances against the Comonaltie, that his Lordship (for preservation of love and unity betwixt the Clergy and Comonaltie for time to come) thinkes fitt that those matters of particular Grievances on both parts shall be no more remembered : Nevertheless, if any of the parties grieved think good hereafter to prosecute their grievances and put them to a tryal, his Honour will take paines to give his especial order therein for relief of the wronged partie.

And whereas amongst other the complaints of the country, some particular matters concerning the generall good are most considerable of reformation and determination, his Honour was graciously pleased to assemble the Clergy and 24 Keyes of the Island, with the four men of every parish, to meet this day, being the 30th day of October, 1643, as afforesaid, at his Castle of Rushen, where accordingly they did appear, and then and there upon their ensuing business, (agittated and disputed before his Lordship) betwixt the Clergy and Proctors upon the one part, and the said xxiiij Keyes and four men of the parishes in behalfe of the Countrey upon the other part, his Lordship doth order and declare as followeth :

First, that whereas when there are diverse children left under age, and executors by their dead parents wills, if any of them shall dye before he or she comes to the age of xiiij years, (which is the age the law requires before such infant can dispose of his goodes by will or otherwise,) the goodes of such infant falls by law to the rest of its brothers and sisters : Yet notwithstanding the Church have used to make a decree of this child's goodes, and for the same takes a fee of three shillings four

pence for decreeing the goodes to its brothers and sisters, which is needless, (as is argued by the countrey,) the same falling upon them by law as aforesaid, without any decree, his Lordship therefore hereby ordereth, that the Church shall take no more but vjd. for the taking notice of, and making the decree for and concern-such a child's goods, being under age as afforesaid.

Itm. Whereas it is a complaint of the country, that the Lord of the Island makes Clearkes of the Parishes by his speciall grants, whereas the parishioners pays the Cleark his dues, his Lordship is graciously pleased that the Parishioners and the Parson or Viccar of the Parish shall have the nomination of the Clearke, and the Bishop or Ordinary to have the allowance or approbation of him for his sufficiency and ability to perform the place; and this order to take effect after the time of the grants in being be expired, which have been heretofore made by his Lordship or his ancestors.

Itm. Whereas it is complained of, that the Ministers of the Parishes have taken xijd. for the writing of a Deced^{ts} will, whereas the party himself, or his friend for him, would have written it for little or nothing; and that the Church have sometimes refused to accept of and prove such wills, except they were made and written by the minister's hand; his Lordship's order is, That every man may make, or cause to be made, his own will, by whom he shall please to direct; and if he desire the minister to make it, that he shall agree with the minister as he can for the writing thereof, and not otherwise.

Itm. Whereas when a man dyes intestate his goodes, by the law, ought to fall to his children unmarried equally amongst them; yet, contrary to this, the Church sometimes use to decree the whole teame of oxen and the cropp of corne to the eldest son, which commonly is more worth than all the rest of the goodes; it is therefore ordered by his Lordship, that if the Church shall hereafter make any such decree in favour of the eldest sonn, to the wrong of the rest of the younger children, that decree shall be void, and the goods to go equally amongst all the children according to the law.

Itm. Whereas it is a great complainte of the countrey, that the Clergy and Proctors use to take viijs. for a corpspresent out of a decead^{ts} goods of the value of iiijl. and proportionably after that rate forth of goodes under that value, it is ordered by his Lordship, That noe corpspresent shall be hereafter taken by the Clergy or Proctors of spirituall livings of any deceadent's goods under the value of vjl. xiijs. iiijd.; and of that value, and under the value of xxl., they shall take but xxd. for the corpsresents; and if the goods be of the value of xxl. and under the value of xl., they shall take for the corpsresents but ijs. 4d.; and out of goodes of the value of xl. and above, they shall take vjs. iiijd. and no more, be the goodes of what value soever they may be; and that none shall pay a corpspresent but such as at the time of his or her death were housekeepers and masters of a family; and that no infant or child under the age of fourteen years, nor no woman under the covert Baron, shall pay any corpspresent; and if any Clergyman or Proctor take more for a corpspresent, or otherwise than as afforesaid, he shall forfeit so much in value as he shall take above the summ before limitted, and also vjs. viijd. to the party grieved, to be recovered by accon of debt at the Common Law; but it shall be lawful for any spirituall person to take any summe, or other thing, which by any person dying shall be given or bequeathed unto him.

Itm. Whereas it is a greate complainte of the country, that by the spirituall Lawes here they are forced to pay tyth butter and tyth cheese, which is called the milk tythes; and in the payment thereof there is an undecent order in paying it on the Sabbath Day upon the alter in the Church, where often falls our great contention betwixt the Minister and Proctors on the one part and the people that pay the same on the other part; and sometimes the people are put to their oaths for such things, upon triviall matters; which kind of tything is much out of use in most parts of the king's dominions; his Lordship therefore orders, That from henceforth no more tyth butter or cheese shall be paid in manner as aforesaid; but in lieu thereof the farmers,

cotlers, and all others who ought to pay such tythes, shall at Easter, when the accompt for their other dutys to the Church, pay *iiijd.* for every cow which has a calf that yeare, and *ijd.* for every farrow cow which had no calfe, but gave milk since the Easter before, and one penny out of every four milk sheep, and *jd.* out of every two milk goates; the Viccars of thirds and pentioners, who were used to have a choice cheese, they to have in lieu thereof the moneys due for the tyth cheese, and butter of a choice house in the parish, and the Sumner likewise.

Itm. Whereas there hath been, and it is a great complainte made by the countrey, for the losses they have suffered by the Ministers and Proctors not coming in due time to take the tyth of their corne, whereby the farmers have sometimes lost their own corne, not daring to draw or lead the same before the Proctor or Minister come to take away their tyth; his Lordship therefore, for prevention of such inconveniences, doth order and decree, That from henceforth the Parson, Viccar, and Proctor of every parish, shall acquaint the several farmers of the parishes with the names of his or their under Proctors or deputies, who are to receive their tythes; and this shall be done in the month of July before the harvest beginn; and when the time of harvest is come, the farmer shall give notice to him or them who are to have and receive their tyth corne the evening or day before such farmer intends to lead his corne; and then if the Parson, Viccar, or Proctor, or his or their under Proctors, come not to take the tyth of the farmer's corn according to the warning given, the farmer to take two neighbours to justify with him that he hath left his due tyth: this warning to be given by the farmer as aforesaid, shall be given at the Parsonage, Viccarage, or Proctor's house, who is to receive the tythes, if there be any such in the parish; and if it be a stranger of another parish, or layman of the same parish, shall, before the time of harvest, acquaint the farmer at what house in the same parish the farmer shall give or leave such notice, that his corne is ready for leading, or that he intends to lead; and the like order for tyth hay is to be observed.

Itm. Whereas it is complained of by the Comonaltie against the Ordinary, and his spiritual officers, that orphan's goods and just debts to creditors are not, and have not been sufficiently secured by their court; by means whereof diverse poor people being left orphans, and many others, who had just debts owing to them by the deceadents, have mightily suffered in their estates; his Lordship therefore doth order, that the goods of the deceadent, according to the inventory, shall be made good by the Ordinary, or his spiritual officers, if he or they, upon the proving of the will, or making of the decree where no will was made, do not, or shall not take sufficient security for the same.

And whereas there is a controversy betwixt the Clergy and Proctors upon the one part, and the Commonalty upon the other part, concerning the payment of some other tythes and duties, as tyth wool and tyth fish, clerk silver fees for probation of wills, and the Sumner's dues, and this upon a pretended record produced by the Commonalty of the year 1541; which record hath this day been in open court deliberately discussed and argued *pro et contra*, by both parties, before his Lordship, and there adjudged of no validity, upon diverse good reasons; his Lordship doth therefore order and declare, that the said record be of no force or effect hereafter to be pleaded in way of barre to the book of the spirituall statutes enrolled in the Statute Book of this Island; and that therefore the Lawes and Orders positively made, and in that book recorded, shall be from henceforth duly and truly observed in all things, till some other law, statute, or ordinance shall be agreed upon, to the contrary.

And whereas there is an undecent and irreverent use in this Island by the Proctors and Clergy, when they collect their small tythes and offering money at Easter, they demand the same at the time the people are to receive the communion, and sometimes will stop the people from receiving the blessed sacrament, because they have not paid their duties; his Lordship therefore ordereth, That the Proctors and Ministers to whom such small tythes and oblations belong, shall sitt in the Parish Church upon Monday

and Tuesday in Easter Week after the people have received the communion, there to receive their dues; and whosoever shall not pay their dues to them upon one of those dayes, the Ministers and Proctors shall proceed against them by way of citation before the Ordinary or his officers: And his Lordship thinkes fitt, that the Minister or Proctor in such cases of willfull neglect by the people in not paying their dues, shall have the speediest and strictest course that may be from the Ordinary for the recovery thereof.

In witness the said James Earle of Derby hath hereunto put his Hand and Seale of Armes the day and yeare first above written.

JAMES DERBY.

Consented unto and witnessed by us whose Names are subscribed, (&c.)

The Twenty-four Keyes, (&c.)

Four Men of the Parishes, (&c.)

“NOTE.—The reason why the full body of the Twenty-four Keyes, and the four Men of each Parish are not all incerted, is because their meeting at Castle Rushen, the said 30th October, 43, proved a very tempestuous day of raine and wind, they could not conveniently travell without hazard, &c.; and therefore the names of them who happened to appear were only taken, as appears placed in the original of the afforesaid statutes.”

The fifth addition to the Statute Book is thus styled, “At the Tinwald Court, holden at St. John’s Chappell, in the Parish of Kirk German, in the Isle of Man, the xxiiij day of June, in the year of our Lord 1645, before the Right Honourable James, Earle of Derby, Lord of the said Isle, John Greenhalgh, Esquire, Governor of the said Isle, with the rest of the Lord’s Councell there. Ewan Christian, Esquire, and John Cannell, gentlemen, Deemsters there, with the Representative Body of the said Countrey, viz., the xxiiij Keyes of the said Isle, whose names are subscribed, it is ordered, enacted, and ordained, as followeth.” In this statute there are nine distinct enactments. The first declares that those who held land or houses under his Lordship

had power to convey the same only to their oldest son or daughter, or next of kin, but not to any other child or person, without the consent of the Lord. The second enacts that in case of non-payment of rent, the Lord re-enters and takes the forfeiture of lands and houses. The third imposes a fine for non-attendance at the services of building or repairing the Lord's houses and forts. The fourth empowers the Governor to punish pedlars for selling by unlawful weights. The fifth renders the Winchester bushel the only lawful corn measure. The sixth explains an ambiguous clause in one of Sir John Stanley's acts, p. 73, as implying that "no manner of persons shall hold any of the Lord's Wast or Commons of this land unrented." The seventh defines the word *proves* in Sir John Stanley's act, p. 79, to mean prowess or combat. The eighth is as follows: "And whereas by the Statute Book, fol. 12, it is laid down, That whosoever pleadeth any deceit against the Lieutenant, he is a traytor by our law, &c., for the better explination of the meaning of that point of the statue, it is ordered and enacted by this present court, and by the authority thereof, that whosoever pretendeth or practiceth any evill or hurt to the prejudice of the Lord, of the Governor or Government of the Island, he or they so doing, and being thereof lawfully convicted, shall forfeit as in case of treason." And the last enactment gives to the Governor, Council, and Keys discretionary power over all exports and imports of corn, cattle, and other commodities.

The sixth addition to the Statute Book is in a new style. In this the officials and 24 Keys appear not as a power co-ordinate with the Lord, but as presenting "the humble petition of your Lordship's servants the Officers and 24 Keys of the said Island." The prayer of the petition is to enact that all making or intentional using of unlawful money be treated as high treason. To this petition is annexed a clause, "I do approve of the petitioners' request, and confirm the same as an Act, to be published for a law at the next Tinwald. James Derby."

The last addition made by the seventh Earl of Derby to the

Manx Statute Book is thus styled:—"A true copy of an Act made and published at the Court of Tinwald the xxiiijth of June, 1647, confirmed by the Right Honourable the Lord of the Isle, with the consent of the Officers and xxiiij Keyes of the said Isle, as appears upon record in the Exchequer Book for the aforesaid year." It contains three enactments. The first to repeal the act of 1637, limiting to ten years claims to lands, and to restore the Act 1593 extending the terms to twenty-one years; another to punish, at the discretion of the Court of Chancery, taking interest above ten per cent.; the third is as follows:—"It is enacted, confirmed, and published for law, as in the Exchequer Book for the year 1601, more at large appeareth, that whosoever shall accuse or speak any scandalous speeches against any Chief Officer of this Isle, spiritual or temporal, or any of the xxiiij Keyes, touching either their oathes, or the state and government, or any other scandalous speeches which might tend to the defamation of their offices and places, and be not able to prove it, shall be fined for every time soe offending in Tenn Pounds, and their ears to be cut off for punishment besides."

THE TWO PRINCIPAL ACTS

OF

JAMES STANLEY,

TENTH EARL OF DERBY, KING OF MAN AND THE ISLES.

A.D., 1702—1735,



THE TWO PRINCIPAL ACTS
OF
THE TENTH EARL OF DERBY.

ECCLESIASTICAL CONSTITUTIONS.

AT A CONVOCATION OF THE CLERGY AT BISHOP'S COURT, THE
THIRD OF FEBRUARY, 1703.

In the Name of our Great Lord and Master, the Lord
Jesus Christ, and to the Glory and Increase of his
Kingdome amongst Men.

WE, the Bishop, Archdeacon, Vicars Generall, and Clergy
of this Isle, who do subscribe these articles, that we may
not stand charged with the scandals which wicked men bring
upon religion while they are admitted to and reputed members
of Christ's church, and that we may by all laudable means pro-
mote the conversion of sinners, and oblige men to submit to the
discipline of the Gospel; and lastly, that we may provide for the
instruction of the growing age in Christian learning and good
manners, we have formed these following Constitutions, which
we oblige ourselves (by God's help) to observe, and to endeavour
that all others within our severall cures shall comply with the
same :

First, That when a Rector, Vicar, or Curate, shall have any number of persons under twenty of his parish desirous and fit to be confirmed, he shall give the Lord Bishop notice thereof, and a list of their names, and shall suffer none to offer themselves to be confirmed but such he has before instructed to answer in the necessary parts of christian knowledge, and who, besides their church catechism, have learned such short prayers for morning and evening as shall be immediately provided for that purpose.

2. That no person be admitted to the holy sacrament till he has first been confirmed by the Bishop, (or in case of his Lordship's absence or indisposition,) to bring a certificate from the Archdeacon or Vicars Generall that he is duly qualified for confirmation.

3. That no person [be] admitted to stand as Godfather or Godmother, nor to enter into the holy estate of matrimony, till they have received the holy sacrament of the Lord's Supper, unless being an orphan there be a necessity for his speedy marriage; and this to be approved of and dispenced with by the Ordinary for a limited time to fit himself for the sacrament; and where any of them are of another parish, they are to bring a certificate from their proper pastor.

4. That all children and servants unconfirmed of such a division of the parish as the Minister shall appoint (which shall be at least one-fourth part thereof) shall constantly come to evening prayers to be instructed in the principles of the christian religion; at which time every rector, vicar, or curate, shall employ at least half an hour in their examination, and explaining some part of the church catechism; and that all parents and masters which shall be observed by their children's and servant's ignorance to be grossly wanting in their duty in not teaching them this catechism, shall be presented for every such neglect and severely punished: And to the end that this so necessary an institution may be religiously observed, every minister shall always (by the assistance of the churchwardens) keep a catalogue of such persons as are not confirmed, and is hereby required to present those

that are absent without urgent cause, who shall be fined *ijd.* the first Sunday they omit to come, *iiijd.* the second, *vjd.* the third ; in which case the parents are to be answerable for their children, and masters for their servants, unless where it appears that the servants themselves are in fault.

5. For the more effectuall discouragement of vice, if any person shall incur the censures of the church, and having done pennance shall afterwards incur the same censures, he shall not be admitted to do pennance again (as has been formerly accustomed) untill the church be fully satisfied of his sincere repentance ; during which time he shall not presume to come within the church, but be obliged to stand in a decent manner at the church door every Sunday and holy day the whole time of morning and evening service, untill by his penitent behaviour, and other instances of sober living, he deserves and procures a certificate from the minister, churchwardens, and some of the soberest men of the parish, to the satisfaction of the Ordinary, which if he does not so deserve and procure within three months, the church shall proceed to excommunication ; and that during these proceedings the Governor shall be applied to not to permit him to leave the island ; and this being a matter of very great importance, the ministers and churchwardens shall see it duly performed, under penalty of the severest ecclesiasticall censures ; and whenever any daring offender shall be and continue so obstinate as to incur excommunication, the pastor shall affectionately exhort his parishioners not to converse with him upon peril of being partaker with him in his sin and punishment.

6. That the rubrick before the communion concerning unworthy receivers thereof may be religiously observed, every Rector, Vicar, or Curate, shall first privately, and then publicly, admonish such persons as he shall observe to be disorderly livers ; that such as will not by this means be reclaimed may be hindred from coming to the Lord's table, and being presented may be excommunicated ; and if any minister knowingly admit such persons to the holy sacrament, whose lives are blemished with the

vices of drunkenness, tipling, swearing, prophaneing the Lord's day, quarrelling, fornication, or any other crime, by which the christian religion is dishonoured, before such persons have publicly acknowledged their faults, and solemnly promised amendment, the minister so offending shall be lyable to severe ecclesiastical censure.

7. If any Moar, Sergeant, Proctor, or any other person, shall presume on the Lord's day to receive any rent or sums of money, both he and the person paying such rent or sum of money shall be lyable to ecclesiastical censure, and shall alwaies be presented for the same.

8. That the practice of commutation, as has been formerly accustomed, viz., of exempting persons obnoxious to the censures of the church from pennance and other punishment appointed by law, on account of paying a sum of money, or doing some charitable work, shall for the future cease.

9. For the promoting of religion, learning, and good manners, all persons shall be obliged to send their children as soon as they are capable of receiving instruction to some petty school, and to continue them there untill the said children can read English distinctly, unless the parents give a just cause to excuse themselves, approved of by the Ordinary in open court; and that such persons who shall neglect sending their children to be so taught shall (upon a presentment made thereof by the minister, churchwardens, or chapter quest) be fined in one shilling & quarter to the use of the schoolmaster, who may refuse to teach those children who do not come constantly to school (unless for such causes as shall be approved of by the minister of the parish), and their parents shall be fined as if they did altogether refuse to send them to schoole.

And for the further encouragement of the schoolmasters, they shall respectively receive, over and above the sallarys already allowed them, sixpence quarterly from the parents of every child that shall be taught by them to read English, and ninepence quarterly from such as shall be taught to write; which sums

being refused, the Sumner shall be ordered to require punctuall payment within fourteen days, and upon default hereof they are to be comitted till they submitt to law.

Notwithstanding where the parents or relations are poor, and not able to pay as afforesaid, and this be certified by the minister and churchwardens of the parish or the Ordinary, such children are to be taught gratis.

And whereas some of the poorer sort may have just cause, and their necessitys require it, to keep their children at home for severall weeks in the summer and harvest, such persons shall not be lyable to the penaltys afforesaid; provided they do (and are hereby strictly required to) send such children during such absence from schoole every third Sunday to the parish church at least one hour before evening service, there to be taught by the schoolmaster to prevent losing their learning; and if any schoolmaster shall neglect his duty, and complaint be made and proved, he shall be discharged, and another placed in his stead, at the discretion of the Ordinary: and every rector, vicar, and curate, shall the first week of every quarter visit the petty schoole, and take an account in a book of the improvement of every child, to be produced as often as the Ordinary shall call for it.

10. For the more effectuall suppression of vice, &c., the minister and churchwardens and chapter quest shall, the last Sunday of every month after evening prayers, set down in writing the names of all such persons as, without just cause, absent themselves from church; of parents, masters, and mistresses, who neglect to send their children and servants to be catechized; of parents and guardians who send not their children to schools; and all other matters they are bound by their oathes to present; and that they may conscientiously discharge their duty, the articles of visitation are to be read to them at every such meeting, and this to be done under pain of the severest ecclesiasticall censures.

Now forasmuch as some of the orders and constitutions in this synod agreed unto are such as do require the authority of the civil power to make them effectual to the ends they are designed,

the Bishop and Archdeacon are earnestly desired to procure confirmation from the Lord, his Councill, and the 24 Keyes, to the glory of God, and welfare of this church, and for the better government of the church of Christ, for the making of such orders and constitutions as shall from time to time be found wanting; and that better enquirey may be made into the execution of those that are in force, there shall be (God willing) a convocation of the whole clergy of the diocese on Thursday in Whitsun week every year after this, at the Bishop's chappell, if his Lordship be within this Isle, or as soon as conveniently after his return; and that by these constitutions we may more effectually oblige ourselves and others, we do each of us subscribe our names this 3d of February 1703.

THO. Sodor and Man.
(And 17 Clergymen.)

AT A TYNWALD COURT HOLDEN AT ST. JOHN'S CHAPPELL THE 4TH
DAY OF FEBRUARY, 1703-4.

The before constitutions being this day offered by the Lord Bishop and Archdeacon of this Isle unto us the Governor, Officers, and 24 Keyes for our approbation, and having perused the same, do find them very reasonable, just, and necessary, and do therefore approve of and consent to them as far as concerns the civil power.

ROBERT MAWDESLEY, (&c.)

I am well pleased with the before constitutions, and do confirm the same, and require that they be published at the next Tynwald Court in usuall manner. DERBY.

AT A TYNWALD COURT HOLDEN AT ST. JOHN'S CHAPPELL, THE 6TH
DAY OF JUNE, ANNO DOMINI 1704.

The beforegoing constitutions were this day publicly proclaimed upon the Tynwald Hill according to antient forme and custome. As witness our hands the day and year above written.

THOS. Sodor and Man. ROBERT MAWDESLEY, (&c.)

ACT OF SETTLEMENT.

ANNO 1703.

“An Act for the perfect Settling and Confirmation of the Estates, Tenures, Fines, Rents, Suites, and Services of the Tenants of the Right Honourable James Earl of Derby, within this Isle of Man, passed at a Tynwald Court holden at St. John’s Chappel within the said Isle the 4th day of February, in the year of our Lord 1703, by the said James Earl of Derby, Lord of the said Isle, Robert Mawdesley, Esquire, Governor, and the rest of his said Lordship’s Officers, and 24 Keyes, the representatives of the said Isle.”

THE following brief summary of this great statute has been furnished by a legal authority :—

‘Divers disputes having arisen between the Lords of Man and their tenants touching their tenures, estates, fines, rents, suits, and services to the great prejudice of the Lords, and impoverishment of the tenants and people, proposals were made to James, Earl of Derby, by certain delegates of the 24 Keys, on behalf of themselves and all the tenants, for arranging and settling such disputes and establishing fixity of tenure and fines certain. These proposals, with some slight modifications, were embodied in an Act of Tynwald of the 4th February, 1703, and proclaimed on the Tynwald Hill, according to ancient form and custom on the 6th June, 1704, O.S. This Act is distinguished as “The Act of Settlement,” and is considered the Magna Charta of the Isle as

regards the relations between the Lords and their tenants. The operative part of the Act provides "That all estates made or to be made of any messuages, lands, tenements, and hereditaments within the Isle to any person or persons, and his or their heirs, shall be good and perfect customary estates of inheritance, descendable from ancestor to heir, according to the law and customs of the Isle;" the tenants respectively from time to time "yielding, paying, performing, and doing unto the said James, Earl of Derby, his heirs and assigns, such general and other fines certain as in the said proposals are particularly mentioned and expressed, (saving only to the said James, Earl of Derby, his heirs and assigns, and unto all and every other person or persons that shall at any time hereafter become Lords of the said Isle, all such royalties, regalia, prerogatives, homages, fealties, escheats, forfeitures, seizures, mines and minerals of what kind or nature soever, quarries and delfs of flag, slate, or stone, franchises, liberties, privileges, and jurisdictions whatsoever as now are, or at any time heretofore have been, vested in the said James, Earl of Derby, or in any of his ancestors, Lords of the said Isle;)" and also "yielding, paying, and performing unto the said James, Earl of Derby, &c., the several yearly rents, boons, suits, and services that have been accustomed, and usually paid for the estates to which the tenants or any of them shall or may make any claim or title, and so paying unto the Lord or Lords of the said Isle for the time being all such fines certain for the same, and in such manner and form as in the said proposals are particularly mentioned, and not otherwise." The fines certain alluded to are defined in the first, second, and third proposals, and consist of fines certain upon descent and upon alienation.'

After the British Crown had purchased, in 1765, the sovereignty of the Island, one of the earliest statutes which received the sanction of the legislature was "An Act for the more effectual Confirmation and Establishment of the Act of Settlement, and the Act of Tynwald explanatory thereof." The statute being brief and comprehensive may be given here.

“The ancient feudatory Tenures of this Isle between the Lord and his tenants having, in the year 1643, by undue means, being changed into leasehold estates, the regular course of descent, which before had flowed in an easy uninterrupted stream, was thereby clogged with difficulties not to be born, the tenants grew dissatisfied, and much litigation ensued, which tended to dissolve all harmony and subordination between them and their chief, so essential to their mutual interest and happiness; for remedy whereof, the Act of Tynwald, commonly called the Act of Settlement, intituled, ‘An Act, &c.,’ and an Act explanatory thereof. Which said several Acts of Tynwald being now the basis of the tenure of the lands and hereditaments, and the true security of the real estates and premises within the said Isle, be it hereby declared and enacted by the permission and authority aforesaid, That the said Act of Settlement, and the said Act of Tynwald explanatory thereof hereinbefore set forth, and every clause, article, matter and thing therein and hereinbefore contained, shall be, and the same are hereby ratified and confirmed, and binding and effectual for and against all and all manner of person and persons, lands and hereditaments therein and thereby meant, mentioned, and intended, to all intents and purposes.”

At the end of these and some other contemporary Statutes is appended the following signification of the Royal Sanction:—

St. James’s, August 21st, 1777.

SIR,—Having received and laid before the King, Governor Smith’s letter of the 24th of July, transmitting several Acts of Tynwald, passed in the last Tynwald Court which met at Castle Rushen, I am now to inform you in the Governor’s absence, that the said Acts have been taken into consideration, and are thought well calculated to promote the good order and prosperity of the Isle of Man, as well from their contents as from the manner in which they are recommended by the Governor, and from the sanction which the Attorney-General has given to them by his signature.

I am now, therefore, to return the said Acts, and am to signify

his Majesty's approbation thereof according to the list inclosed herein.

I am, with great truth and regard, Sir,
Your most obedient humble servant,
SUFFOLK.

Lieut.-Governor of the Isle of Man.

NOTES.

NOTES BY THE EDITOR.

NOTE 1.—PREFATORY STATEMENTS.

The central position of their seat of government arrested the imperial eye of Cæsar, when studying the hierarchy of the Celtic tribes. It was in the centre of Gaul that, as he specially remarks, the Druids held the annual assemblies to regulate all their national affairs, civil and sacred. He believed that the Druidical system had its fountain head in the British Isles, and he expressly noticed that Mona is in the very centre between Britain and Ireland. The consequent inference, that Mona was the central holy place of the Druidical hierarchy, whence issued the ordinances that governed all the families of the Celts, is countenanced by various historical assertions, from Tacitus down to Boece and Buchanan.

During the European *interregnum* between the fall of Cæsar's empire and the pre-eminence of the Papacy, at the time when the Scandinavians extended their maritime supremacy from Iceland to Sicily, this isle was the central stronghold of the Norse sea kings. The homage of the Manx kings was therefore rendered to Norway from A.D. 888 to A.D. 1263, until the Norwegian naval supremacy over the Western Isles was finally destroyed by Alexander of Scotland, at the battle of Largs. Under the political law of force which at that period governed the nations, this isle gravitated most powerfully towards England. Accordingly in 1205, while yet tributary to Norway, Reginald king of Man was received by treaty into the protection of John king of England. That treaty has been for 655 years the pivot of the political relation of Man to England. The relation has ever been that of a protected kingdom. England has subdued Ireland and Wales, and has been compelled to treat with Scotland on terms of equality; but the fifth kingdom in the British Islands, that of Man and the Isles—too small for resistance to the dominant kingdom, and too large to be without violence absorbed—has been dependant upon England since the Bruce and Wallace wars, and has been passively protected until this day by the British empire in almost the entire enjoyment of her aboriginal laws and government.

The only power that has assailed the internal government of Man has been Rome. A series of documents, still extant, from 1056 to 1219, marks the steps of the process by which the kingdom of Man became a dependancy of the Papacy. The great work aimed at and in part accomplished by the greatest of the insular kings of the house of Stanley was the reversal of this process. In 1219, Reginald of Man, after the example of his protector King John, became the vassal of the Pope, engaging to hold his kingdom from the Roman Church for the annual payment of twelve marks sterling. It was Edward I. who broke John's Papal yoke of tribute from England's neck, and it was his grandson Edward III. that enabled his friend William Montacute, the first Earl of Salisbury, as the heir of Reginald, to set on his head the golden crown of Man. The Montacute family were no friends of Rome. They belonged to the party of the protector of Wycliffe, John of Gaunt, second son of Edward III. John, the third Earl of Salisbury, was the aristocratic leader of the Wycliffites, and fell a sacrifice to the hostility of the priesthood. His uncle, William, the second Earl of Salisbury, in his old age, had to part with his Manx kingdom to Scrope, Earl of Wiltshire, the prime minister of the dominant priesthood, at the same time—and most probably for the same reason—that Chaucer the poet, belonging to the same party, was deprived of his pension and place, under King Richard II. The crown of Man soon passed from Scrope to Percy, Earl of Northumberland, another adherent of Rome; and when he became a rebel and fugitive, and his friend Archbishop Scrope was hanged, in 1405, by Henry IV., the crown of this Island came to Percy's rivals the Stanleys, who held it by direct and collateral descent for 424 years, until in 1765, 1805, and 1829 the regal and manorial rights of the Stanleys were successively purchased from their collateral descendants the Dukes of Atholl, by the British crown.

The interference of Rome has deeply affected that internal government, which the protection of England has left in this Island. It was in relation to this all-pervading influence that our three heroes, the greatest law-making kings of the Stanley dynasty showed their capacity as legislators. The first Stanley placed his little kingdom in antagonism to Rome. The second Stanley arrested its consequent anti-Romish progress. The third Stanley reversed the policy of his predecessor and placed this Island in a position of preparation for the final triumph over Rome. That bulwark of liberty against Romish despotism,—the British Empire,—has conserved in this central isle the principle of nationality, which, perfected by Christianity, shall ultimately be built up into the kingdom of God upon earth.

NOTE 2.—NOTICES OF THE EARLIEST STANLEY KING OF MAN.

Our chief aim being to set forth the legislation of three Stanley kings, in relation to Rome, it is not needful that we dwell on their ancient descent and pedigree. We commence not with William the Norman's companion, their ancestor, Adam de Aldithley, but present a few notices of the first Sir John Stanley, the first Manx king of that noble house.

In the last edition of Burke's *Dictionary of the British Peerage* we find hi

noticed as follows :—"Sir John Stanley, K.G., (2nd son of Sir Wm. Stanley, Lord Stourton,) m. Isabel, d. and heiress of Sir Thomas Latham, Knt. of Latham and Knowsley, co. Lancaster, and thus acquired these estates. In 1385 Sir John Stanley was Lord-Deputy of Ireland, and had a grant of the manor of Blake Castle in that kingdom. In 1405 he had a commission, in conjunction with Roger Leke, to seize on the city of York and its liberties, and also on the Isle of Man, on the forfeiture of Henry Percy, Earl of Northumberland; and in the seventh of Henry IV., being then treasurer of the household to the king, obtained license to fortify a house at Liverpool, which he had newly built, with embattled walls. In the same year, having taken possession of the Isle of Man, he obtained a grant in fee of the said Isle, castle and pile anciently called Holm town, and all the isles adjacent, as also all the regalities, franchises, &c., to be holden of the said king, his heirs and successors, by the homage and the service of two falcons, payable on the days of their coronation. On the accession of Henry V. he was made a Knight of the Garter, and constituted Lord Lieutenant of Ireland for six years, in which government he died in 1414, having had, besides two daughters, four sons."

Recent research has brought to light a variety of historical documents respecting this Sir John Stanley, which may be classed into five divisions, as they refer to his connection with—1, the Privy Council; 2, Scotland; 3, Ireland; 4, Church of Rome; 5, Isle of Man.

1.—From Sir Harris Nicolas's *Proceedings of the Privy Council of England* Vol. I., 10 Rich. II., 1386, to 11 Hen. IV., 1410 :—

Page 159,—1401, Hen. IV.,—"List of 164 spiritual and temporal Seigneurs called by letters of privy seal to assemble for council at Westminster." "Par conseil ovesq le roy." "Du contee de Lancastre. Monf. John de Stanley."

Page 164,—July 21, 1401, 2 Hen. IV.,—"A letter from the King to the Privy Council, dated at his manor of Sutton, commanding that a certain number of Esquires should be summoned to this council. Among them is 'Lancaster, Exr. Monf. John Stanley.'" Three of the whole list are marked Exr.

Page 244,—"List of Lords and others appointed to the King's council." Monf. John Stanley is one of seventeen.

Vol. II, page 99,—This list probably contains the names of the persons summoned to attend a great council in the early part of the reign of Henry IV., (exact date not ascertained, probably 1405, 6 Hen. IV.) includes Monf. John Stanley, Sen^{al}. Sir John Stanley was Steward of the King's Household in 7 Hen. IV., *vide Calend. Rot. Patent*, p. 251.

Thomas Stanley was Clerk to the Privy Council in 1390, and to the Exchequer in 2nd and in 15th Rich. II.

2.—From *Calendar of the Ancient Charters, and of the Welsh and Scottish Rolls, now remaining in the Tower of London*, by Joseph Ayloffe, 1774 :—

Anno 8, Rich. II., m. 5,—Custodia villæ Berewici commissa Henrico de Percy.

Rotulus Scotiæ de anno 12, Rich. II., memb. 5,—Rex constituit Johannem Stanley custodem villæ Berewicki et Marchiarum Scotiæ.

Rotulus Scotiæ de annis 19 et 20, Rich. II., memb. 6,—Custodia de la Estmarchi versus Scotiam commissa Henrico de Percy. De inquirendo de vastis delapidationibus et dampnis factis infra villam et castrum de Berewico, ac castrum de Rokesburgh. Custodia castri de Rokesburgh commissa Johanni Stanley, chevalier.

Rotulus Scotiæ de annis 21 et 22, Rich. II., membrana 13,—De protectionibus pro Johanne Stanley, milite, et aliis. De licentia data Johanni Stanley, custodi castri de Rokesburgh, substitutendi deputatum.

Anno 2, Hen. IV., membrana 6,—De salvo conductu pro Johanne de Insulis.

Anno 3, Hen. IV.,—Custodia de la Estmarch versus Scotiam ac villas Berewici, et castri de Rokesburgh, commissa Henrico de Percy.

3.—The Minute of Privy Council, 20th Aug., 1389, 13 Rich. II., is as follows :—
 “Item, estoit lors accordez que Monseigneur Johan Stanley avera la garde de la terre d’Irelande, par trois ans preignaut chescun an pur lui et ses Soudeours p manere, come en les endentures parente le Roy, et lui faites, est plus plainement contenuz. Item, le jour du dit conseil tenuz a Wyndesore le Roy, par assent de son conseil ad grauntez a Monseigneur Johan Stanley, pur son fee cent marcs.”

Apparently it was by the influence of John of Gaunt, Duke of Lancaster, that this first appointment of Sir John Stanley to Ireland took place. Robert de Vere, Earl of Oxford, Duke of Dublin, and Vice-king of Ireland, was in 1388 driven out of the government of Ireland, by John of Gaunt, then regent during the minority of Richard II.; and it is remarkable that in this year of Sir John Stanley’s promotion, the old Manx royal family—the Montacutes of Salisbury—were before the Privy Council, in consequence of a dispute between the Earl and his brother, Sir John Montague.

13th Sept., 1389, 13 Rich. II.,—“Minutes of a council at Clarendon. Various lords and others to be summoned to attend a council to deliberate on a dispute between the Earl of Salisbury and his brother Sir John Montague.”

10th Dec., 1389, 13 Rich. II.,—“Minutes of a council held at Reading. Ordinance to be made in the business of the Earl of Salisbury and his brother :”—“Item, quant a la busoigne touchaunt le comte de Sarebirs et son frere, le Roy volt que son conseil soi avisent, et ent ordeignent au mieux quilz saverount ou purront selonc ley et reson.”

9 Hen. IV., 1408.—“An indenture made between the King and his second son, the Duke of Clarence, (Monseigneur Thomas de Lancastre,) containing the terms on which the latter was to undertake the office of Lieutenant of Ireland, and the mode in which he was to receive payment. He was to have “6,000 livres par ans, pur les guerres, et pur le gouvrmnt de la dite terre,” nevertheless for three years next to receive 7,000 marks, &c.”

10 Hen. IV., 1409,—“The solitary article belonging to the tenth year of Henry IV. contains the minute of a council held on the 18th of August, 1409, principally about the restitution of merchandize belonging to some Prussians, which had been seized by the King’s Clerk of the Works; the appointment of ambassadors to the King of Castile; the nomination of Sir John Stanley as Lieutenant of

Ireland ; the state of the Scotch Marches ; the naturalization of Scotchmen ; and about granting pardon to murderers." The minute as to Sir John Stanley is as follows :—"Touchant Irlande : Il semble bien expedient que Monseigneur John Stanley soit Lieutenant d'Irlande, en cas que le Roy et Monseigneur Thomas se vueillent a ce consentir. Et soit t'etex que le dit Monseigneur Thomas, puisse prendre du dit John Stanley, chacun an mille mille marcs, [des revenues d'Irlande,] et du Roy notre seigneur mille marcs."

The following extract from the *Annals of the Four Masters* throws light on the appointment of Sir John Stanley to supersede the king's son :—"In 1408, on the 2nd of August, Thomas, Duke of Lancaster, came again to Ireland as Lord Lieutenant, and landed at Carlingford with a large force. In the same year, according to Taape and others, a great battle was fought in the plains of Kilmainham, near Dublin, by the Irish under Aol Mac Murrough O Cavanach, against the English forces commanded by the Duke of Lancaster, in which the English were defeated with great slaughter, particularly at the ford on the Liffey, which was so heaped with dead bodies that the river was reddened with the blood of the slain, and hence designated *Athero*, or the bloody ford ; and the bridge erected there afterwards was known by the name of the Bloody Bridge, in modern times Barrack Bridge. In this battle the Duke of Lancaster was severely wounded, and narrowly escaped with his life. He soon afterwards returned to England, leaving Thomas Butler, prior of Kilmainham, son of the Duke of Ormoud, as Lord Deputy."

In these circumstances the Privy Council judged it "bien expedient" that a real soldier and experienced leader should be sent to Ireland ; and Sir John seems to have equalled their expectations, for in 1413 he was reappointed in a similar emergency. In that year the *Annals of the Four Masters* inform us that "Mac Murrough, that is Aol the son of Aol Cavanagh, Lord of Leinster, defeated the English of Cintac Riavach (Wexford), and slew and took prisoners great numbers of them. O'Byrne (of Wicklow) likewise gave the English of Dublin a signal overthrow, in which great numbers of them were slain and taken prisoners." "Sir John Stanley was appointed Lord Deputy of Ireland, and landed at Clontarf in October, 1413, and died at Ardee on the 6th of January following."

29th June, 1413, 1 Hen. V.—"Sir John Stanley appointed Lieutenant of Ireland for six years, during which time he was to receive the issues and profits of that country, without being accountable for the same ; and to have the guard of Ireland for three of the said six years, having in his retinue as many men-at-arms and archers for the defence thereof as might seem necessary, and receiving the sums stipulated for their payment."

10th July, 1413, 1 Hen. V.—"The treasurer and chamberlain to be commanded to pay Sir John Stanley £120, for the expenses of his voyage to Ireland."

4.—Sir John Stanley's relation to the Church of Rome may be inferred (1) generally from the then anti-sacerdotal spirit of the English people and nobility, (2) from his being of the party of John of Gaunt, the patron of Wycliffe, (3) from his being rival to the Percys and Scropes, who patronized the priests, (4) from the

bitter remarks on him by the popish annalists, (5) from his occupying the possessions of an alien priory.

"A.D. 1414.—John Stanley came to Ireland, as the King of England's viceroy, a man who gave neither toleration nor term (sanctuary) to ecclesiastics, laymen, or literary men; but all with whom he came in contact he subjected to cold, hardship, and famine. The O'Higgins satirized him, who only lived four weeks after the satirizing, having died from the venom of their satire."—*Annals of the Four Masters*, p. 213.

January, 4 Hen. IV., 1403,—“Minutes of Council containing evidence adduced by the priors of various alien convents, to prove that their respective houses were of conventual foundation; with a list of the priors and occupiers of alien priories and possessions in numerous counties of England, who were summoned to appear before the Council to enter into treaty for the same.” In this text occurs—

“SALOP.—Prioratus de nova abbatia juxta Abberbury, unde Johes Stanley, chr. occupator.”

5.—Respecting the first Sir John Stanley's connection with the Isle of Man, a variety of documents chiefly from Rymer's *Fœdera* have in part been published in Mr. Cumming's notes to Sacheverell's *Survey*, and will be printed at length in Dr. Oliver's forthcoming publication of the Manx Society, and therefore we do not insert them here.

NOTE 3.—ON THE POWER OF THE PAPACY IN THE ISLE OF MAN, BEFORE THE TIME OF SIR JOHN STANLEY.

By the law of nature the domestic is the primary organization of human society, and the first government is the parental. These are not only the first, they are the highest and best forms of organization and government. They do not admit of that binary division which lies at the foundation of papal organization and dominion, and the return to patriarchal simplicity, by the theoretical and practical removal of this division, will be the final overthrow of the papal system. Society in this resembles the individual, that the childhood and old age of both are necessarily domestic. Rude youth casts off the patriarchal rule. It is the great work of manhood to prepare for, and to build up the domestic system. These first principles receive illustration in the history of the papal power, and of Sir John Stanley's proceedings relative to it in the Isle of Man. After the primitive government of this Isle has been superseded by the Papacy, Sir John Stanley II. began to prepare for the great work of restoring it, and it is by rightly understanding the plan of this great man's work that the men of this day may be able to bring it to perfection.

The exodus of the Celts towards the west, and that of the Chinese towards the east, seem to have been among the earliest swarms from the central hive of mankind. Both therefore carried with them primitive patriarchalism. Expanded into monstrous proportions, and consolidated in the vast plains of Eastern Asia, this system has been cramped, perverted, and broken in the straits and isles of Western Europe. Of the three functions of the patriarch,—the kingly, priestly, and teaching,—cor-

responding to the three essential faculties of an accountable being, will, conscience, and intellect,—the second attained the chief rank among the Celts. The Druid priests were superior in rank and real power to the warrior kings. Cæsar, who broke that Celtic power and organization, which before his time had struggled for supremacy with Rome, states that the Germans, the succeeding swarm, which ultimately drove the Celts to the extreme west of Europe, were less religious, had no priests or sacrifices, and were governed by the warrior class. The moral government of the Druids fell before the physical power of warlike Germans and Romans, and in this losing contest Celtic organization, priesthood, and people degenerated.

The Isle of Man, if not the centre, having certainly been a seat of Druidism, the altar was here at once the throne and the pulpit. The Druid priests were the rulers and teachers, and there was no division of government into church and state during their pagan period.

Nothing certain is known as to the first introduction of Christianity. Capgrave's statements about the planting of Christianity here, by Joseph of Arimathea, A.D. 63; Hector Boetius' account of Bishop Amphibalus, A.D. 277; and the monk Jocelin's history of St. Patrick, as the Apostle of this Island, are all entitled to equal attention. If the higher classes were the first to embrace Christianity, as was often and naturally the case, in the then state of it and of the north-western nations, their ancient organization and officials would be retained. It is known that this occurred under Columba the Apostle of the Western Isles, and that the Druidical places of worship, their woods or *cills* became the first Christian churches, kills, or culdee cells. It is probable that the Druidical rulers were transformed into Christian presbyters, or rather that the latter stepped into the position and influence of the former. It was declared by the Manx legislators to Sir John Stanley that the Twenty-four Keys of Man had been originally the Taxiaki, which seems to mean in Celtic, teachers,—the Druid teachers of the Island.* And we are certain that Christianity among the Saxons of England placed the government of communities not in separate authorities but in the joint hands of the Bishop and Earl. A similar system of government prevailed in France. The division of the Manx community into the spirituality and the temporality, the church and the state, did not take place before the twelfth century. From that time it was the constant effort of Romanism in this Isle, by means of this division, to use the church as a ladder in order to set the spiritual over the temporal,—the priests as heads of the one, over the king as head of the other,—and thus to bring the nation under sacerdotal government. The mild sacerdotalism of the Culdees of Iona appears to have intervened between

* "The twenty-four Keys, as Mr. Sacheverell informs us, are called in the Manks language Taxiaki, but what this signifies he does not intimate; but it seems in sound to resemble Teagasg which in old Irish implies Druidism, and from thence we may conclude it means elders or senators. As every man who is qualified for this office may attain it, this an admirable method to recommend the study of the laws and constitution to every intelligent member of society."—*Political Survey of Great Britain*, by John Campbell, LL.D., vol. II., p. 536.

the Druidical and Papal dominations. There is no evidence that Papal Rome subjected this Island previous to the Norman conquest of England. The known succession of Manx Bishops begins at that date. "Suffice it to say," wrote the monkish compilers of the *Chronicles of Man*, "that we are entirely ignorant who or what bishops existed before the time of Godred Cronan, because we have neither found it written, nor have learned it by certain relation of the elders." Hildebrand, the heroic genius who placed the car of the Papacy on the rails leading to universal dominion, was a cotemporary of William the Conqueror, and of his captain, Godred Cronan, who, in imitation of his master, set feudalism over the Isle of Man. The tyranny of feudalism produced a reaction in men's minds. They turned towards ecclesiastical power as a counteractive and refuge from civil despotism. Hence it took place that after William the Conqueror in 1066 defied Hildebrand, Henry II. his able successor, was in 1170 compelled to bare his back to the scourge of the monks at the tomb of Becket, and King John in 1208 became the vassal of the Pope. A similar process took place in Man. "Godred Cronan," says the monkish chronicle, "distributed to such of the Islanders as remained with him the southern part of the Island, and the northern division to the natives, on condition that no one whatever should claim a hereditary right to any part of the land. Hence it comes that to this day, the whole Island belongs to the king alone, and all its rent belongs to him." Such a regal power needed to be balanced by the ecclesiastical, and it is probable that the monkish chroniclers, aware of this, painted feudalism in this isle as being more absolute than it really was, and represented the mere change of tenures from the allodial to the feudal forms, and from occasional taxes to regular payments on land, as if it had amounted to entire confiscation of all the landed property of the original inhabitants. Centralized despotism in temporals could be effectually met only by a central and independent power in the church, and in organizing this the priests had therefore popular support, just as William Wallace endeavoured to check the power of Edward I. by invoking the aid of the Pope.

The Benedictines were the regular army of the Papacy in that day, as the Jesuits have been since the Reformation. A revival among them led to the institution of a stricter class or order of them, the Cistercians, who possessed more than 1800 monasteries. Luther said of Bernard, abbot of Clairvaux, the most eminent of the Cistercians, "if ever there has been a pious monk who feared God, it was St. Bernard, whom alone I hold in much higher esteem than all other monks and priests throughout the globe." While Bernard was the real head of Christendom, the Cistercian abbey of St. Mary, at Furness, in Lancashire, was founded in 1126, just thirteen years before the Cistercian abbey of Melrose, in Scotland. In 1134 the abbey at Furness, being in the highest repute for piety, obtained from King Olave, youngest son of Godred Cronan, the patronage of the bishoprick of the Isles, and along with this a site for an abbey, close to the Royal Castle of Rushen. Thus in the kingdom of the Isles the ecclesiastical power became organized for dominion. The secular clergy were put under the papal

army of the monks, and the palace of the monks raised its front over against the throne of the Isles. This era was duly chronicled by the monks. "1184.—This year King Olave gave to Ivo, abbot of Furness, a portion of his lands to constitute an abbacy in a place called Rushin; and he gave to the churches of the islands lands and liberties: and he was in respect of divine worship devout and fervid; thus acceptable to God and man, on account of which they the more indulged the domestic vice of kings." "His Queen was Africa; he also kept many concubines."

A charter of this Olave has lately been discovered, never hitherto printed. The translation is as follows; the original Latin will appear in Dr. Oliver's publication, to whom I am indebted for this copy:—

"O[lah], King of the Islands, to all the sons and faithful of the holy church of God, both present and to come, greeting. Seeing that an earthly kingdom is never well ordered, unless the catholic service of the king of heaven be there observed. Therefore I, Olaph, with the assent of wise and good men in council, have decreed and resolved, that the Christian religion in my kingdom shall be preserved complete under its own bishop, rather than be rendered desolate under strangers, and as it were mercenaries, who seek their own and not the Lord's advantage. Know therefore, and bear testimony to the truth, that by virtue of my discretion, I have committed and for ever granted to the church of the blessed Mary of Furness, on account of the proximity of the place, yea and for the excellent life of the inhabitants, the honor of the said episcopal election, and the observance of my whole law of Christianity, saving always the reverence due to the Apostolic See. And in order that the same may be more perfect and more strictly observed, I have decreed a certain portion of my land for the erection of an abbey for the said church, as another charter witnesseth, for a most free and perpetual alms. These being witness. Eudo the abbate. Gill, the prior. W. the monk. William and Hugo, priests. Turkill son of fohgel. Jol son of Macmars. Gill. Fin. Snetol son of Cutell, and many others without whom the matter may be effected. At Hou Ingren.

The vices of Olave led to the speedy dismemberment of the kingdom and bishopric of the Isles; and the ecclesiastical power in Man, set by him on the rails of Hildebrand and Bernard, posted onwards to organized supremacy, until—under Magnus, ninth and last of the race of Goddard Crovan,—it reached the stage of virtual establishment in rights of feudal sovereignty. But several notable events intervened. Vivian, a cardinal legate of the apostolic see, had come to Man in 1176, with more than regal authority. "He caused King Godred to be lawfully wedded with his wife Phingola, daughter of MacLauchlan, king of Ireland. Silvanus, abbot of Reeval, performed the ceremony. On that day King Godred gave as an oblation to the venerable abbot Silvanus, part of the land of Mirescoog, where he built a monastery; but in process of time the whole land, with the monks, was conceded to the abbey of St. Mary of Russin."

"1192.—This year the abbey of St. Mary of Russin was translated to Dufglas, and having dwelt there for four years, they returned again to Russin."

1219.—Reginald, imitating his protector King John, became vassal of the Pope, at the instigation of the Papal Legate.

1230-1251.—“Simon of Argyleshire, a man of great prudence, and well read in the Holy Scriptures, governed the church of Sudoer. He commenced Peel Cathedral, and held a synod in 1239,” at which thirteen canons were enacted. These embody a stringent system of taxation. As no translation of them has yet been printed, although they are the earliest extant canons of the Manx church, it is hoped that the Manx Society will present the public with a complete copy and translation of them.

Of the next bishop the chronicle says, “After the venerable Simon, Richard, an Englishman, was consecrated at Rome by the Archbishop of Drontheim. He ruled excellently for 23 years. Coming from a General Council he died A.D. 1274, and was buried in the monastery of St. Mary of Furness.” That Council met at Lyons, and is acknowledged as the fourteenth General Council. It was rendered remarkable by the new regulations as to the election of the Pope, and more especially by the law, still in force, that the cardinal electors should be shut up in the conclave during the vacancy of the pontificate. Gregory X., who summoned that council, inculcated without hesitation the maxim of Hildebrand, Gregory VII., that declared the Pontiff of Rome the lord of the world and specially of the Roman Empire. Acting on this assumption, he compelled the German princes to elect as emperor Rudolph of Hapsburg, founder of the present Austrian dynasty. Bishop Richard, over his own subjects, was as mighty as Pope Gregory. He procured from Magnus, the last of King Godred Crovan’s descendants, a charter constituting the bishopric a feudal barony, with more than the privileges and none of the responsibilities of a feudal prince, leaving to his rival the king all the expense and burden of defending the island against external and internal enemies. This charter recently discovered in the Harlean MSS. among the relics of Furness Abbey, is as follows :—

“To all those who may hereafter see, or hear these letters, Magnus, son of Olave, by the grace of God King of Man and the Islands, everlasting greeting in the Lord. Know all, that I have given, and by this my present charter have confirmed, for the salvation of my soul, and of those of my ancestors, to lord Richard, by the grace of God Bishop of Man and the Islands, and to his successors for ever, all kinds of liberty to holy church, fully, in all things, and that he and his successors may hold their court of life and limb, in all cases of theft and homicide and other wickednesses, and that they may have the power of incarceration, and of release from incarceration, and of punishment by the gibbet, upon their lands. And that the clergy, as well as the laity, remaining within the same, and within ecclesiastical rule, may plead and reply in the court of the Lord Bishop, and in the ecclesiastical court, and be free of all service, secular exaction and demand, forfeiture or fine. And if any cause, non-ecclesiastical, should be agitated between my men and the men of the lord bishop, or his successors, the author thereof may be earnestly prosecuted. I have granted also, and by this my present charter

have confirmed, to the said lord Richard, and his successors for ever, the island of St. Patrick entire, with its appurtenances, fisheries, breweries, customs, anchorages, wharfrage of all kinds of wares, coming from all sides and everywhere through Man to the territory of the bishop; together with the village of Killarast,* near Ramsa, entirely, with clergy and laity, and breweries, and other appurtenances, without any restraint, together with half the fishery there, in Muschoch.† Moreover I have granted, and for ever confirmed, that the same lord Richard, the bishop, and his successors, and all his clergy or farmers of ecclesiastical rents, may have full power over their tenths, and other matters of the clergy and laity dwelling in ecclesiastical lands, to sell and dispose thereof whenever it shall seem expedient, as well within our dominion as without, to the best of their ability, without hinderance of us or of our subjects. I have granted also to the same lord Richard, the bishop, and his successors for ever, all kinds of mines of lead and iron which may be discovered in his land of Man. In testimony whereof I have caused this present writing to be strengthened with the protection of my seal. These being witnesses, Dompnald archdeacon of Man, Gormand the parson, Magro the parson, Fogall McHascatt seneschal, Fogal son of Yvar, and others. Which said charter, inasmuch as it is reasonable and devout, in all and singular the liberties and points contained therein, approving and ratifying, and as far as lies in our power for us and our heirs confirming, we enjoin to be inviolably observed throughout all our domain of Man. In testimony of which our official seal is appended to these present letters. Dated at Ramsa, in Man, in the Feast of the Invention of the Holy Cross, in the year of grace one thousand three hundred and twenty-nine."‡

By these successive steps the Manx church had become to the state, very much what the East India Company was to the native princes. The shadowy Manx state at the death of Magnus, in 1265, by treaty with the King of Norway, humbled at the battle of Largs, was handed over to Alexander III. of Scotland. Accordingly the next bishop was a Scotsman, and in 1298 the Lord Chancellor of Scotland. "After him, Marcus, a Gallovidian, ruled the church of Sudoer for twenty-four years. Being banished by the Manx, the island was put under an interdict for three years. He was afterwards recalled, and on his return the inhabitants, that they might be liberated from the sentence, agreed to pay a penny for every house that had a fire-place; this penny by old custom is still paid to every succeeding prelate on his return from the visitation of the isles."

In reaching the temporal sovereignty as Baron of the Isle, the Papal power seems to have lost its spiritual hold of the population and Marcus was banished—a fit sequel to the avarice of Simon and the ambition of Richard. Like the

* Kirk Christ Lezayre.

† Mirescoke.

‡ The date of a confirmation, not of the original signature of this charter. Magnus became king, *de facto*, in 1252, and died in 1265. In 1267 the church of St. Mary of Russin was dedicated by Richard, the then bishop. On this occasion, it is most probable, Magnus granted the foregoing charter.

Pope of the present day, the Manx Bishop returned from his banishment by foreign aid. The Scottish masters of Man, like the French masters of Rome, dared not offend the Pope—and the full thunders of the power before which St. Louis of France, then knelt, descended on the devoted Isle of Man. An interdict was the last and most fearful weapon of Papal wrath. No mass, no Christian burial, no salvation to any of the nation cursed by the Vicar of God. After a siege of three years this beleaguered Isle had to yield at discretion. Like Pius IX, from Gaeta, Bishop Marcus returned triumphant from Scotland. The Scot and the Pope then trode upon the Manx. It was about the time of Marcus that the ancient Manx national emblem of a Ship was superseded by that of the three legs of Man. That Episcopal Scot might well boast "*Quocunque jeceris Stabit*;" but we do not read that he proclaimed that the tariff of Simon, the Baronial power of Richard, and the hearth tax of Marcus were henceforth to be the three legs of the Manx Papacy. The Papal sway was, indeed, irresistible during the Scottish occupation of Man. Randolph, Earl of Murray and Annandale, the brave companion of William Wallace, and under him a champion of national independence was under the necessity of confirming as the Scottish Lord of Man the charter of King Magnus to Bishop Richard; and Marcus was the first Bishop to swear fealty to Edward I.

Marcus was made Chancellor of Scotland by Edward I., in the very year that William Wallace first raised the standard of Scottish independence, and slew Cressingham the treasurer at the battle of Falkirk. It was probably Bishop Beck, Patriarch of Jerusalem and Guardian of Scotland, who got Marcus this preferment. That warlike prelate at that time appropriated the Isle of Man, as his share of plunder, when Edward I. seized Scotland. From Marcus to Bishop Duncan, who died in 1380, was the triumphant century of the Papacy in Man. Regal and popular opposition suppressed; seven bishops successively presiding; clerical synods making forty-five new canons to govern themselves and the laity; tithes extorted from the rectors of parishes, and not only from all natives, but also from aliens at the herring fishery, twenty shillings extorted as procuration from the churches of Man the primacy of Drontheim cast off; all the clergy of Man assembling to elect Bishops Russell and Duncan. It being then the period of the great schism, Man chose a different Pope from England, and sided with Scotland and France for the Pope of Avignon. The see of Man claimed metropolitan rights, and obtained the consecration of two bishops, Russell and Duncan, by the Pope himself at Avignon. Manx Papacy had reached its acme then, and the Chronicle of Man which had detailed the history of its progress upwards, concludes its history, as at the highest consummation on earth, "On the day before the month of June, that is to say on a Thursday, being the festival of Corpus Christi, A.D. 1374, John Donkan, a native of Man, was elected by the clergy Pastor and Bishop of Sudoer. On the ensuing festival of St. Leonard he was confirmed by Pope Gregory XI., and on the following festival of St. Catherine, in the monastery of the Predicant Friars, he together with eight other bishops, was solemnly consecrated by Cardinal

Prænestino, sometime Bishop of Cracoviacum. On the festival of the Conversion of St. Paul, A.D. 1376, and in the third year of his consecration, he was solemnly installed in his own cathedral church, and on the same occasion, at the first episcopal service he performed, he received great offerings."

These five festivals of election, confirmation, consecration, installation, and corban-receiving were like the ominous feast of Belshazzar. The Papal Kingdom in Man was being weighed in the balance and found wanting. The fatal handwriting was on the wall of that monastery of the predicator friars where the nine Bishops were so gloriously consecrated. Bishop Russell had in 1373 founded a house of these friars at Beemakin, in Kirk Arbory. These friars were a sign of the times. The wealth and magnificence of the Benedictine Cistercians of Rushen Abbey, as well as of the bishop and clergy, has lost to them the hearts of the people. St. Francis of Assisi and St. Dominic had founded the two orders of the begging friars,—the Franciscan or grey friars and the Dominicans or black friars. These two orders were the pillars of the papacy in the thirteenth, fourteenth, and fifteenth centuries. That these pillars speedily became rotten was an immediate cause of the success attendant on Erasmus' and Luther's reformations. But their sanctimonious poverty for a time retained the multitudes alienated by the extortions, wealth, and vices of the older monks and higher clergy. The mendicant preachers of Beemakin were to propitiate the people become hostile to the "dumb dogs that could never have enough," in Rushen Abbey and German Cathedral.

The canons of Bishop Russell, like his preaching monks, have a cloak of religiousness about them very different from the naked extortion of Simon and Marcus. Not an oratory was to be built, not a priest was to enter the diocese without his consent. Every absentee from his or her parish church was to be fined 3s. 4d., all novelties were sternly forbidden, and no clerk was to drink in an inn beyond a single draught. But these whitewashings of the sepulchre availed little; they might delay, but could not hinder the descent from its high estate of the Papal power, by the successive steps we have now to consider.

THE DESCENT OF THE PAPAL POWER.

The fall of the Papal power in the Isle of Man may be traced to seven causes. The last only comes directly within the scope of these notes; the first six may be briefly noticed. (1) Popular dislike. From the time of Simon's canons to Marcus's banishment and compulsory return, down through the many quarrels between the spirituality and the temporality, this deep-rooted hatred of the Manx to Papal rule is prominent in their history. (2) The Papacy was not identified with the nationality. The mistake committed in Ireland, Scotland, and even Wales by the British government of persecuting their nationality and its religion, was not committed in Man. Upper Canada and Australia are now governed on the same principles as Man, and the Canadians and the Manx are almost more Anglican than the English. The Manx adopted the Anglican church, because

they were not compelled. The liturgy that Scotland refused at the point of the bayonet, Man received freely with love and reverence. (3) The Papal power was weakened by the bishopric of Sodor and Man being limited to the Isle of Man. After the death of Bishop Donkan, all the Scottish isles became, from political causes, the diocese of another bishop, the Manx bishop, Robert Waldbay, having been elected by the English Lord of the Isle. (4) The influence of the Derby family was fatal to the Papal power. They took the patronage of the bishopric and chief churches. They were a very powerful family, and their power rested not on Man chiefly but upon England, where they held vast territories and great offices. Thus the old powers of the Archdruid and of the Abbot of Furness were transferred to the Earl of Derby; and it so happened that most of these Stanleys were princes of nature as well as of rank; had the gifts of rule, and did actually rule the isle with a vigorous arm. (5) After all the English monasteries had been put down by the strong hand of Henry VIII., he at last dissolved, by a stretch of despotic power, the Abbey of Rushen, and thus deprived the Papacy of its chief lands and revenues. (6) Wycliffe's principles obtained an early influence in Man. Edward III., to whom Wycliffe was chaplain, enabled Montacute to take it from the Scots. These Montacutes belonged to the party that supported Wycliffe, and imbibed his anti-papal and popular principles. The half century of their reign must have tended to direct the insular dislike of the priestly power into the channel of Wycliffe's movement. (7) John de Stanley was the great Manx Hammer of the Papacy. It was his regal power that by constitutional means and written law put down the Papal power in this isle. The state, that had so long been over-shadowed and superseded by the church, demanded, under him, and extorted not equality merely, but superiority—nay, supremacy. The unity of the national family, which the Cistercian monks had drawn towards the bishop and abbot, was now by Stanley and his twenty-four Keys, taken back towards King and Deemsters. As the monks had been the agents of the church, so the deemsters were the agents of the state. The process by which in a few years the slow work of two or three centuries was overturned without violence or revolution, and the Manx nation placed in a constitutional resistance to Papal supremacy, deserves an examination which it has not hitherto received. The mutual relation of mechanical or chemical forces may be better studied in a model or in a phial than in the vast fields of nature, and the European riddle of the present age may receive light from the age of Wycliffe and the little kingdom of his royal disciple. As Wycliffe sowed the seeds of that Protestantism which has made the British Isles the centre of light and liberty to the world, so it was natural to find the earliest green blades of national reformed Christianity in the central isle of the group. If the British Isles be the fulcrum for moving the earth from beneath the yoke of ancient pagan government, in its whitewashed form of the Papacy, into the real Christian rule of the last days, the embryo may be looked for here and then. The great work of christianizing the national organizations, and casting out the Papal and Pagan leaven, began in the inmost heart of the British Isles. Let us carefully mark the steps of the process by which that consummation was effected.

NOTE 4.

The central agent was John de Stanley, who succeeded in the 38th year of his age to the kingdom of Man on the death of his father on 6th January, 1414. Possessed of the highest advantages,—birth, wealth, station, and training,—and belonging to the party of enlightenment and of progress, this man was qualified to act as a leading pioneer of his age. His father, a chief pillar of the thrones of Richard II. and Henry IV., and himself, a personal favourite of the wise Henry IV., a companion of gallant Henry V. and steward of the pious Henry VI.; he was not an usurping king like the first—a reckless slave of vice and of the priesthood like the second, nor a devout simpleton like the third. He seems to have been happy in his domestic relations. His father the foremost Englishman of his day, a most distinguished warrior and statesman, who proved himself the most gallant and successful agent in the revolution that transferred England to the House of Lancaster. His mother, the heiress of Latham, worthy of such a husband. His wife, whom he married in early life, training up her son Thomas, to be qualified the year after his own death, to become Lord Lieutenant of Ireland. His father's experience and his own in the Scottish war of independence, in the Irish war of subjugation, and in the Welsh war of repression, taught John de Stanley the evils of violent dealing against nationalities, and disposed him in his offices of Sheriff of Anglesea, Constable of Carnarvon Castle, and king of Man, to employ the same pacific measures as in his domestic affairs and as Judge of the county Palatine of Chester, and Steward of Windsor Castle. If he accompanied Henry V. in his reckless and wicked expedition against France in 1417, he made no figure and no permanent stay there. His warfare was of a higher order than that by his priest-ridden sovereign. In common with the great body of the English nation and nobility, he partook of the anti-Romish tendencies which fostered by Edward III., and guided by Wycliffe, and resisted for a time by the sacerdotal organization that held the kings of the House of Lancaster in ignominious bondage, under the dynasty that succeeded the wars of the Roses overthrew Papal supremacy, and rendered Britain the anti-papal bulwark for mankind. Stanley was a better embodiment of anti-papal feeling than Henry VIII. His work could be done and was done without being disgraced by the violence and despotism of Henry. His power in Man was proportionally as great as Henry's in England. The power of the Papacy was then weakened by the great western schism, although not yet ripe before the invention of printing, for the doctrinal separation effected after a century by Luther and Calvin. And the constitutional work of Stanley lasting as Henry's, like the earlier strata in geology affords a firmer foundation for future erections than the later and more complex stratum of society produced by the Lutheran and Calvinistic influences combining with that of Wycliffe. So that when the buildings erected on the foundations of Knox and Cranmer and Henry VIII. may be rent by fissures from top to bottom, a site for a coherent erection may be found in the older and deeper foundation of Sir John Stanley.

This Wycliffite king did not, like Calvin, build up a logical system exposed to the incessant attacks of succeeding logicians ; nor like Luther, did he call out of the Papal confederacy an assemblage of dissenting doctors and their disciples ; nor like Henry VIII. did he separate his kingdom from the recognized head of the European family of nations. He acted as a Catholic European king, not as a dissenting theologian. He took his stand on the laws of nature and the aboriginal constitution of the Celtic family. In his place, as king of a Catholic nation, he set himself against that duality of organization which gives to the Papacy, as a Government, all its power. As feudal king he brought his nation from being virtually governed by a synod of priests, to be ruled by its own feudal parliament. By Celtic law, and by the successors of Druidical priests standing in the place of the primeval priestly judges, he superseded canon law and the priests of Rome. The Tynwald Hill, the throne of the Arch-druid in his last refuge, waged successful war with the throne of Cæsar, occupied by the chair of St. Peter. The Council of Constance, led by Gerson the Chancellor of the University of Paris, had initiated the policy of the Gallican Church by declaring the Pope, the constitutional and not the despotic chief of Christendom ; and the assembly of all the commons of Man, led by King Stanley, initiated the policy of the Anglican church in rendering the king the constitutional head of the national church as well as of the state. At the end of a century Henry VIII., on a larger scale, made an inferior copy of the miniature of Stanley. What the disciple of Wycliffe accomplished by wisdom, without violence or spoliation, the Royal Defender of the Faith accomplished not without recourse to these undesirable weapons. Making allowances for human infirmity and for our limited information, the assertion may be hazarded that the anti-papal procedure of John de Stanley is a model of what a wise and righteous king ought to do, in order to terminate the sacerdotal system that has so long been the incubus of Christendom.

By a careful study of the chronological arrangement of the earliest Manx statutes we are able to trace the successive steps of Stanley's campaign against Rome. Before him Man possessed no written laws. The original copy of only one of his statutes is to be found, and a fac-simile of it is the frontispiece of the present publication. The earliest copies in Castle Rushen seem to have been written in the seventeenth century, about the time of the seventh Earl of Derby. One copy has lately been discovered in the British Museum, of unknown date, but, from internal evidence, older than any Castle Rushen copy. The arrangement in all the copies is the same, and may be called the ceremonial. It commences with the document setting forth the ceremonies of the Tynwald installation of King Stanley. Sacheverell is the first and only writer who has professedly examined the statutes of John de Stanley ; but his examination was very cursory and superficial and he seems to have paid no attention to the dates of each statute, and to that natural succession of his legislative enactments which the chronology discovers. It is not until now that the chronology of these earliest authentic laws has been made to throw light on the real history and meaning of John de Stanley's pro-

ceedings. Besides this, the text hitherto has not been in a state to admit of accurate conclusions being drawn from it. The discovery of a MS. in the British Museum, containing a text different from all the copies in the Island, enables us to proceed with security to the deduction of the following conclusions, as to the precise objects aimed at in the legislative measures of John de Stanley. The comparative merits of the two different texts of these earliest Manx acts, and the probable source of their diversity, will form the subject of a separate note.

Founding all our conclusions on the text of Sir John Stanley's acts, as given in this volume, we are able to trace a connected system in his legislation. The ecclesiastical power, which from Goddred Cronan's time till now had been gradually built up until it dominated for so many years over every insular authority, it was Sir John Stanley's aim to bring down, and render subordinate to his own as King of Man and the Isles. It has been the modern policy of the European kings to subdue their people by means of the priests; Sir John Stanley took the nobler and more difficult part, to subdue the priests by means of the people. In order to this it was necessary first to gain the people to himself, and to avail himself of the existing popular dislike to the priests. This was the Stanley policy: the successive steps by which it gained permanent victory in this Island we now proceed to describe.

NOTE 5.

Before committing himself by any overt act, Sir John Stanley took ample time to acquire information on all the capabilities of his position. About 1406 he had been in the Island as his father's representative, and had received for him the fealty of Barons and other men of influence. He succeeded to the regality in 1414, and it was not until 1417 that his long-pondered plans began to be carried into effect. There was need of all possible caution and wisdom in dealing with such an adversary as the Papacy, in that age of its supremacy, and at that era of the triumph of priestly policy in England. *The first step* taken by the Island King was to set up an insular authority, to be a fixed centre of anti-priestly influences. Occupied necessarily in England and Wales, by his estates and onerous offices there, he could not give his constant personal presence and undivided attention to his Manx undertaking. He therefore sent Commissioners, possessing his full authority and confidence,—not one, but two; following the highest example of Him who sent his commissioners two and two. The Bishop and the Abbot, the two Papal agents, were confronted by Thurstan de Tyldesley and Roger Haysnap, the two regal plenipotentiaries; and after being compelled to yield temporal honour to his two representatives, the Papal commissioners would be the less able to refuse all submission that might afterwards be exacted by the King in person. The form of commission is still extant in Castle Rushen, and is as follows:—

“To all men yat this lett' heren. John of Stanley, Knyght, lord of Manne and Iles, Latham, Knowsley, and Baron of Weton, gretyng in oure Lord ev'lasting. Know ye we have ordeyned and constatute Thurstan of Tyldesley and Regr. Hay-

snap, . . . having my playne power to descharge and charge on and all myn officers, men, and s'vantes wyth in my Lordship of Manne dwellyng, of all offices and occupacones, also playnely as I myself were ther in p'per p'son. And also I ordeyne and constitut the forsaid Thurstan, Reg^r, and Rob^t of the owe, my gen^{al} Auditours to take, to here, to determin, to enquire, to examyne, to p've, to charge and descharge all the acomptes of, on, and all myn officers, mynestres, s'vantes wythin my forsaid Lordship of Manne, at such certayne dayes and places as the forsaid Auditours lymytyn. And also I ordayne & constitut the forsaid Thurstan & Reg . . . my gen all comysioners to here and to determyn all man^r of tresones, felonyes, offences, concelmentes, trespas, wherelles and all othir demandaues p'tenyng to the law & custome of my forsaid Lordship of Manne, als-will at myn aune sute as at the sute of p'tes. And what se-ev^r the forsaid Thurstan and Rog^r done and ordeyne in all poynttes before rehersed, I hold ferme and stabull, and therefore I charge & I commaund my lewtenant, the Byshop, the Abbot, all Demesters, Barons, Reseyve^r, Corneres, Cunstabulls, Saudioures, Grawes, Bailleves, and all other loill and trewe men wythin my forsaid Lordship of Manne beyng p'sente, yat ye bene to ye forsaid Thurstan and Reg^d in all thynges attendant and obbedyent, oppon the payne that yerto falles. In wyttynes of the which thyng I have set to my seall me wyttiness, and at my Castell of Ryssahen, the xxvij day of Novembre, the yere of oure Lord a thousand foure hundredet and seventene."

In this document, signed by Sir John Stanley, at his own Castle of Rushen, he entrusts his whole regal power to his Commissioners, charging and commanding the Bishop, the Abbot, and all Barons to be in all things obedient and attendant to them. Through these commissioners, King Stanley, in the short space of fifty days, built up a legal stronghold, an abiding monument of his anti-papal wisdom and success. It has been the national basis of defence against all the assaults of priestly power,—a veto on papal claims, a bulwark to insular liberties and self-government. Like Rushen Castle,—an erection of warlike, feudal, and oppressive times,—it has been used as a prison and an oppressor; but the tabernacle was made of Egyptian spoils, and the temple itself was made a den of thieves. The volume published by the Royal Commissioners in 1805 contains a rude fac-simile of what they state to be the oldest document in the Island. The present volume republishes, as its frontispiece, this fac-simile in a far superior style of art. The position assigned to it marks the sense entertained of its importance. It is to Man what Magna Charta is to England, and what the Covenant and Solemn League was to Scotland, what the Scottish veto was intended to be to its Church, and (in a restricted sense) what the Book of the Covenant was to Judea. The original of this covenant or indenture of King Stanley has been preserved in Castle Rushen, as the Palladium was in Troy, or the tables of the law in the ark, and after 443 years the parchment displays the beautiful legal caligraphy and the remnant of the seals of the Deemsters and Twenty-four Keys, and of the two Regal Commissioners. These representatives of Celtic, Scandinavian, and Anglican rulers,

combined in triple union against the triple-crowned tyrant of Rome. The Latin original has already been given in the frontispiece, and in a more legible style among Sir John Stanley's acts. In it the nation first "set bars and doors," to the Papacy, "and said, hitherto shalt thou come, but no further, and here shall the pride of thy waves be stayed." The following is a translation :—

"This Indenture, made between Thurstan de Tyldesley and Roger Haysnap, Commissioners of Lord John de Stanley, lord of Man and the Isles, on the one part; and John Clark, Deemster of Man, William Scarf, Reginald Stevenson, William de Ivanhoe, [&c.,] the 24 Keys of Man, on the other part, witnesseth, That the said 24 Keys of the Law with the Deemster of Man say, and for common law adjudge, that if any liege tenant or tenants of the Lord of Man shall have committed a crime, in any case of felony or treason, and shall have fled, withdrawn, or removed from the land of the Lord of Man into the liberties of the Barons, and shall have been required by the Lord of Man or his ministers to return to the land and to a lawful trial, and if excuses be offered and return be refused, and if any of those Barons under the Lord of Man shall retain him, her, or them, under pretext of liberty, liberties, or any other cause whatever, then he shall forfeit to the Lord for every such offence of retention forty shillings, and shall answer for the body of the fugitive transgressor at the prison of the Lord of Man, and this under penalty of forfeiting all his liberties possessed in Man. They also say, and for common law adjudge, that no liege tenant or subject of the Lord of Man shall go, remove, or withdraw from the land of the Lord to the land of any of the Barons to spend any time there, without the Lord's license, under the penalty above mentioned for felonies.

"In testimony whereof the said 24 Keys of the law, and the Deemster, along with the said Commissioners, have alternately affixed their seals.

"Given at the Castle of Rushen on Tuesday, the 18th day of January, 1417, and in the fifth year of our Regality."

To estimate the weight of the above document, as the *second* great blow in the conflict between state and church, sword and keys, king and priest, we must remember what are the weapons proper to each combatant. Fines, imprisonment, and death are the last arguments of kings: deprived of these weapons, they are virtually dethroned. Priests persuade: kings command. So long as kings retain their proper weapons, priests must in extremity yield or die. But the Papal priest subdued the ten European kings by stealthily depriving them of their proper arms. The wisdom of the serpent overmatched the strength of the lion. By the abuse of divine institutions the priest set his foot on the neck of kings. Refuge against the avenger of blood was provided in six sanctuary cities by the law of Moses until the unfortunate manslayer could prove that he had no intention to shed the blood of his neighbour. This right of sanctuary the Papacy extended to all pursued by the justice of kings. Protecting all that fled to it from the utmost efforts of kingly power, the altar was thus above the throne. If the king cannot enforce his own sentences of temporal death, and if he cannot

protect from the sentence of eternal death to which the priests' sentence of excommunication seems to consign all impenitent opponents of priestly power, the State is reduced to vassalage. There were seven Sanctuaries in Man, the strongholds of Papal domination. The Barons, namely, the Bishop, the Abbot of Rushen, the Prioress of Douglas, the Abbot of Saball, along with the Scottish Prior of Whithorn, the English Abbot of Furness and Prior of St. Bees, and the Welsh Abbot of Bangor, all claimed and exercised on their respective lands the right of Sanctuary. Any offender against the king's laws had only to flee to the territories of any of these seven priests and their female coadjutor, and he was safe from civil justice so long as these church Barons chose to protect him. By means of this arrangement these priests were the real kings of the Island, under their lord paramount the Pope. Sir John Stanley was but the shadow of a king; for he could punish treason or felony only at the will of the priests.

The second move of Sir John Stanley was to deprive the priests of this power. At one blow he levelled to the dust all the Baronial sanctuaries. And mark the wisdom he displayed in his mode of extinguishing the sovereign right of the priests and securing his own supremacy. He exposes not his own person at first in this deadly conflict with the strongest power in the world. He employs two commissioners. If they succeed he gains; if they fail he can try some other course. His own power, as feudal king under Henry V., that slave of the Pope and executioner of heretics, is not sufficient to cope with the eight Papal Barons of the Island, supported as these are by long prescription, by vast wealth, by the Archbishop of Canterbury, by the Pope of Rome, and by insular support—against such vast odds the King of Mona could succeed by wisdom, not by force. This indenture between the commissioner of the Anglican King, on the one hand and the judges and elders of the Island on the other, bound both parties to uphold insular law as superior to papal law—to refuse any claim to sanctuary in Baronial lands, and to make the Barons themselves personally responsible for the body of every offender whom they failed to produce on demand. By this as the Magna Charta and Covenant of Man the king rose from vassalage to lordship; the priests fell from being able to shelter all offenders, to be unable to keep themselves out of prison. The law of Man asserted its supremacy over the law of Rome. It was the first collision between the King of Lilliput and the Giant of Rome; but it was the stone of David slung against the forehead of Goliath, the earnest of final defeat to all his army.

It was followed by a *third anti-papal move*. We have no record of any proceedings in the Island between 1417 and 1422. During these five years preparation no doubt was made for farther proceedings. Sacheverell and other modern writers state that on his first coming to the Island, in 1417, Sir John Stanley held a general assembly at the Tynwald Hill and there promulgated the laws he had just received from the Deemsters. There is no historical evidence for this, and there is the highest probability against it. Victory over such a priestly power, dominant for centuries, was not to be won by the hurried visit of an Englishman

and a multitude suddenly-convened to hear suddenly-written laws. The Manx Statute Book has a deeper source, a worthier origin. The best wisdom, experience, and deliberation of the age presided over the commencement of the written law of the island. The deeply-pondered system of Hildebrand could be unseated only by a wisdom superior to his own. It was not until 1422 that Sir John Stanley was fully prepared for the third great onset of his anti-papal battle. He then came in person to the Island. This was imperatively necessary. The priestly influence was stirring up popular agitation. The influence of the twenty-four keys was balanced by that of the seventeen parish priests, and the Bishop with his Barons was a match for the Lieutenant-Governor with his Council. The life of the Lieutenant was not safe; an organized conspiracy existed to put down the laws of the land, and especially the law against Baronial sanctuaries. King Stanley had, in concert with the civil officers devoted to his service, arranged the measures suitable to the crisis, and he now came in state to the Island to his strong castle of Rushen, determined to put forth his utmost energy to place national law and regal authority above canon law and priestly domination.

The document printed in pages 82—98 is remarkable, not only as it is the largest and best of the old Manx laws, and as a monument of the legislative talents of Sir John Stanley, but as being the commencement of written laws in the Island. The elders of the land of Man had heard of no written laws since the days of the Norwegian Orrys. It was a noble foundation that the Stanley king laid, not a single legislative act, but rather a code—a system of law—not superficial and ceremonial, but embracing deep and comprehensive principles; and such laws as, to use an English Chancellor's expression, are found nowhere else. Not unworthy to be the son of the foremost Englishman of his age, Stanley's system of law has lasted to this day. What defied Cromwell, what Bacon proposed but could not effect, what a French revolution was necessary to enable the compiler of the Code Napoleon to effect, Stanley accomplished. He arranged written laws, wrought into a code, containing 150 articles, if compiled according to the Code Napoleon; and though 140 times less in bulk, it is at least equally comprehensive. The first Napoleon Code was followed by a great increase of clerical power, which it may tax the utmost energy of Napoleon III. to subdue. Stanley's code permanently diminished that antagonistic element. And this is the point of view from which to contemplate the Code Stanley. In form it is a declaration by the Deemsters and xxiv, of the ancient laws of Man as to the Royal Prerogatives, and thus it builds up the royal prerogative upon the basis of constitutional law, by the consent of the judges as the representatives of the Island; but really it puts the Manx state in a condition to cope successfully with the Manx Papal church. This is the soul of the document, whatever body circumstances may have imposed upon it. To have unfurled openly the flag of defiance against Rome was then impossible; but Stanley, in his miniature sphere, united the statesmanship of Cavour and the power of Louis Napoleon, and his code of Manx law, the mature result of sixteen years' acquaintance with the Island, is in reality a legislative

revolution, bringing the Manx people from the domination of the priesthood to that of the law, and elevating the state to supremacy over the church. There was not and could not at that time be a doctrinal reformation of religion, but Stanley founded a dynastic reformation of church and state.

In the Code Stanley, produced by the co-operation of king, and elders, and people of the land of Man, we may point to ten excellences,—five negative and five positive. Its negative excellences are that it made no concordat with the Pope, occasioned no national commotions, acknowledged no separate ecclesiastical jurisdiction, was not guilty of the spoliation of churches and monasteries, and gave no tangible ground of offence to the Papal power. We need not point out how in England, Scotland, Germany, Bohemia, Austria, France, and Italy, both in the sixteenth and nineteenth centuries, the excellences of the Manx code of the fifteenth century have been absent. But it is in the positive qualities of his anti papal code that the legislative triumph of the Anglo-Manx king was most conspicuous.

For in the first place, instead of binding himself by a concordat with the Pope, as Napoleon I. and the present Emperor of Austria have done, the King of Mona obtained a national recognition of himself as metropolitan and head of holy church. In this he anticipated the policy by which Peter the Great and Henry VIII. have made Russia and England independent of Constantinople and Rome. It is true that Stanley did not take this momentous step so openly as those two despots. The less his strength, the more his wisdom. Like the architect of the Egyptian Pharos, who covered the granite engraving of his own name with a plaster record of the name of his king, Stanley's supplanting of the Papacy was not developed for a century after his death, and it was in 1541, after Henry VIII. had broken with Cardinal Wolsey, that the Deemster and Keys of Man had the boldness to declare that by their laws and constitution the King of Man was metropolitan and head of holy church, and this declaration was two years previous to Henry's assumption by Act of Parliament of the headship of the Church of England. The whole bearing of this code of King Stanley assumes tacitly that it is his prerogative to be supreme in the land of Man, in the church as well as in the state. The religious supremacy, which since the days of the Archdruid had been swaying from Drontheim to York, and from Avignon to Canterbury, and which had been possessed by the Bishops of Iona and the Isles, and the Abbots of Furness and Rushen, was now reclaimed by the actual head of the Manx nation; and by the national consent, embodied substantially in the core of the national code, it was declared for all future times that the national and the ecclesiastical head of the Manx family is to be one and the same; according to the eternal breast law that the father of the family is, by divine appointment, at once the priest and king, as well as the teacher, leader, and example of his own household.

The second excellency of the Code Stanley is that it built up the state, as an organization capable of resisting and subduing the ecclesiastical organization. It would be vain to claim names or rights for the king, if there were no organized power to enforce his claims. The object of the Roman Empire, in its pagan

and papal forms, was to suppress the nationalities and to strangle all national life under its own overwhelming weight. The reformation was in great part a revival of national life and freedom. Sir John Stanley set the example. While the large nationalities of Europe were struggling at the Councils of Constance, Basil, and Florence to obtain from the Pope permission to breathe freely, the king of little Mona stood up in all the dignity of a king of men, and defied the Papacy as David defied the Philistine. The Code Stanley ignores the Papacy, and builds up the Manx constitution from foundation to top corner-stone, as if no such being existed upon earth as the Father of Christendom and the Papal Vicar of Christ. At the request of the King, the Keys and Deemsters of Man declared the prerogatives of the Lord of the land of Man, and the fundamental laws of the ancient Kingdom of Man, without reference to Pope or prelate, church or council. These successors of the Druidical hierarchy who were the primitive priestly rulers of Europe paid no regard to the Byzantine fiction that the church is spiritual, and the state not apiritual,—that the state is unholy and profane, and needs to have its head anointed, consecrated, and crowned by the church. It was deemed an act of high daring when Napoleon I., in the nineteenth century, at Notre Dame, with the Pope a prisoner at his side, placed the crown on his own head with his own hands. But was there not more real daring, with less theatrical bravado, when, in the fifteenth century, King Stanley adjusted the whole constitution of his kingdom, and was solemnly enthroned, as if the Papacy—then, indeed, a tremendous reality—had no existence? The weakness of states is the strength of the Papacy. Moral weakness may be at the heart of physical magnitude,—a cowardly ox may run from a bold little dog. It is because kings are not the good fathers that they ought to be, that the priest of Rome can presume to the right of being the holy father and high priest of the nations. In that age, King Stanley could not, by dealing with doctrine and worship, act directly as priest of his nation, but by fostering the domestic laws and institutions, as father of his nation, he drove out thence the great impostor-priest, falsely styling himself the Father, the Papa of Christendom, and he built up his own state as a Christian family, under himself as king and metropolitan. It was the stern necessity of his age and position that he must exhibit more of feudalism and less of Christianity than there ought to have been; but, with every deduction on this score, this regal disciple of Wycliffe was the virtual founder of the modern Anglican supremacy in church and state.

The third excellence in the Code Stanley was that while it had given the reins into the king's hand, and set him in the chariot of state, it put the Pope's barons and clergy into state harness. The Code Napoleon treats the priests as chained wild beasts; the Code Stanley domesticates them, and puts them to useful home work. The "*Code des cultes*," throughout its fifty pages, dealing with the priesthood of France as troops of Rome,—a hostile, though, for the time, a defeated power,—so treated them as to leave them the means and inclination to achieve an ultramontane position of strength. The Code Stanley, in less than twenty lines puts the hierarchy into a most useful position in the feudal family, assigning

the Bishop and Abbot a high and controlling position in the feudal organization. They are to inspect the accounts and actings of all their brother officers of state, and to be the eye of the king to the state, p. 88-9. If King Stanley's law had been in Great Britain,—if there had been an independent, impartial audit of the treasury accounts,—if men chosen by the nation for probity, wisdom, and holiness, real Christian bishops, had been the auditors of the national accounts, and thus held the purse-strings, would not the finances of Britain be less burdened with debt at this day? Give to the men born to be priestly leaders, free scope for their native and acquired faculties, in promoting national welfare, instead of ministering to the avarice and ambition of a priestly caste or a Papal usurpation. The modern greatness of England is in some degree due to the priestly prime ministers of Henry VII. and Henry VIII.,—Bishop Morton and Cardinal Wolsey.

A fourth excellence of the Code Stanley was that while it opened before the clergy the road to national usefulness and advancement, it shut against them the bye-paths of priestly aggrandisement. It placed the prelates of Bishop's Court and Rushen Abbey in the highest position for doing good to their country, and wisely restrained their powers to do evil; for it provided that no Barons should send money out of the Island, and thus stopped the payment of tribute to the Papal treasury. It forbade the Abbot of Rushen to receive any monks to be resident, without the consent of the Lord, and thus arrested the growth of the Pope's army of regulars. It placed under civil surveillance all the strangers that might visit either Bishop, or Abbot, or Baron. It took away the right of sanctuary, not merely from the baronial lands, but even from the churches and altars; so that the officers of the king were empowered to arrest offenders, and drag them from the horns of the altar. So far from being able to shelter offenders against the law of the land, the clergy could not defend themselves, but were exposed to heavy fines if they made any offence to the king's officers. And to counteract the church's great weapon of excommunication, the Code Stanley provided an elaborate system of outlawry, whereby offenders against the law of the land of Man were put under the ban of civil excommunication, and had to suffer in this world those penalties which the church threatened to inflict in the world to come. By such provisions as these King Stanley wisely curbed the exorbitant power of the churchmen, and while they were left with all useful power for good, were rendered, so far as he could, impotent for evil. It is hard to see what higher ends, as to churchmen, a civil code could have had in that age, or by what better means it could reach its aim.

But the anti-papal qualities of the code are not its only merits. How carefully it provides for most of the best ends of government, the welfare of the great body of the people and the preventing of oppression by inferior rulers, the curbing of official extravagance and waste, the ministration of justice, the terror of evil doers, the protection and praise of them that do well. If, as the Editor of the first publication of the Manx Society asserts, Sir John Stanley "must justly be regarded as the great Napoleon and Autocrat of Man," it is also true that he was the

Alfred and Constitutional King of Man, for he, by his wisdom and moderation, so wielded his feudal despotism as to supersede the Papal tyranny, and to lay the foundation of a constitutional system deeper, and broader, and higher than has as yet been attained to even in Great Britain itself. Whether the seventh Earl of Derby and Bishop Wilson improved or impeded the work of Sir John Stanley will be considered in the sequel ; our limits compel us to hasten forward to consider—

The fourth anti-papal move of Sir John Stanley. Having embodied the regal and anti-papal system in the constitutional form of the Code Stanley, and received at his Castle of Rushen the assent of his Deemsters and the twenty-four Elders of the land of Man to the whole document, as setting forth the points of his prerogatives, the next step was to promulgate it, so as to have it permanently established by the constitutional consent of the whole Manx nation. For this end the annual convocation of the Tynwald Day must be employed, according to the primeval custom of the Celtic peoples. From the Tynwald Hill,—a throne claiming to be more ancient than the chair of St. Peter and the throne of Cæsar on which the Pope had placed it,—the King of Man determined to issue by the voice of one of the nations of Christendom, a protest against the whole ruling system of the Papacy, and an assertion of that system which being found in nature and scripture shall ultimately rule all nations. The limited size of its theatre enhanced the moral grandeur of the drama then transacted, in the heart of the British Isles, by the anti-papal king of the least of the nations of Christendom. Compared with the anti-papal movements of European nations now, it may be as a little acorn to the oaks sprung from it after four centuries, or as the one family of Abraham to the many thousands of Israel.

Before we gaze at the anti-papal array on the great Tynwald Day of 1422, when the Code Stanley was promulgated, let us look back 438 years, to that midsummer morning around the Tynwald Hill. The policy which then received the hosannas of the multitude, in one of the smallest states of Europe, shall yet rule over all the world, as surely as “in Abraham shall all families of the earth be blessed.” It was 3340 years before Stanley’s day, that in the year A.C. 1918, “The Lord said to Abram, after that Lot was separated from him, Lift up thine eyes and look from the place where thou art, northward and southward, and eastward and westward, for all the land which thou seest to thee will I give it, and to thy seed for ever.” The prospect of catholic dominion was as little probable to Abram’s seed, in A.C. 1918, as to Stanley’s policy in A.D. 1422. At the former date Lot, parting with Abram, went his way towards Sodom, the Dead Sea, and destruction ; so did the Papacy at the latter. And surely the prospect of the Papacy then was as bright as Lot’s when “he lifted up his eyes and beheld all the plain of Jordan that it was well watered, even as the garden of the Lord.” How little appearance in 1422 that, after a century, one half of Europe would be wrested from the grasp of the Papacy, and how probable then her present tenacity of life, three hundred years after that deadly disruption.

Looking northward from the Tynwald Hill, on the morning of 7th July, 1422,

towards Scotland and Scandinavia, one might see the descendants of the Celts, whom Rome Pagan had never subdued, and of the Scandinavians, who, for three hundred years, between the fall of Rome Pagan and the rise of Rome Papal, had by their naval supremacy been the then aspirants for universal empire, now both of them subject to the Roman Pontiff. These northern bears licked the feet of their spiritual lord, while at times they tore in pieces their own keepers. James I. of Scotland, after eighteen years' imprisonment in England, where he learnt to be a scholar, a poet, and the polished gentleman of his age, was on that morning about to return home with his English bride to tame his savage nobles, and in 1437 he was murdered by them before her eyes.

Looking southward towards Spain, France, Germany, Bohemia, and Italy, the might and majesty of Rome everywhere met the eye. Spain, not yet an united kingdom, struggled until 1474 to expel the Mahometan Moors, and this long struggle has made hatred of heresy the one serious passion of the people, and given them up more entirely than any other Europeans into the hands of their clergy. France was then pouring out her heart's blood in war,—a war to which the Archbishop of Canterbury had driven Henry V., to divert national attention, and thus to counteract the Wycliffite Bill in Parliament for the reformation of the church. Our great national dramatist thus opens his play of *Henry V.* :—

SCENE I.—LONDON : AN ANTICHAMBER IN THE KING'S PALACE.

(*Enter the Archbishop of Canterbury and the Bishop of Ely.*)

Cant.—My Lord, I'll tell you,—that self-bill is urged
Which in the eleventh year of the last king's reign
Was like, and had indeed against us pass'd,
But that the scrambling and unquiet time
Did push it out of farther question.

Ely.—But how, my lord, shall we resist it now ?

Cant.—It must be thought on. If it pass against us
We lose the better half of our possession ;
For all the temporal lands, which men devout
By testament have given to the church,
Would they strip from us : being valued thus,—
As much as would maintain to the King's honour,
Full fifteen earls, and fifteen hundred knights,
Six thousand and two hundred good esquires ;
And to relief of lazars, and weak age,
Of indigent faint souls, past corporal toil,
A hundred alm-houses, right well supplied ;
And to the coffers of the king, beside,
A thousand pounds by the year : Thus runs the bill.

Ely.—This would drink deep.

Cant.—'T would drink the cup and all.

Ely.—But what prevention ?

Cant.—The king is full of grace and fair regard.

Ely.—And a true lover of the holy church.

Cant.—The courses of his youth promis'd it not.

The breath no sooner left his father's body
But that his wildness, mortified in him,
Seemed to die too: yes, at that very moment,
Consideration like an angel came
And whipped the offending Adam out of him,
Leaving his body as a paradise
To envelop and entertain celestial spirits.
Never was such a sudden scholar made;
Never came reformation in a flood,
With such a heady currance scouring faults;
Nor never hydra-headed wilfulness
So soon did lose his seat, and all at once,
As in the king.

Ely.—But, my good lord,
How now for mitigation of this bill
Urg'd by the Commons? Doth his Majesty
Incline to it or no?

Cant.—He seems indifferent,

Or rather, swaying more upon our part
Than cherishing the exhibitors against us.
For I have made an offer to his Majesty,
Upon our spiritual convocation;
And in regard of causes now in hand.
Which I have open'd to his Grace at large,
As touching France—to give a greater sum
Than ever at one time the clergy yet
Did to his predecessors part withal.

Ely.—How did this offer seem received, my lord?

Cant.—With good acceptance of his Majesty,—

Save that there was not time enough to hear
(As I perceived his Grace would fain have done,)
The severals and unhidden passages
Of his true titles to some certain dukedoms;
And generally to the crown and seat of France,
Derived from Edward, his great-grandfather.

Ely.—What was the impediment that broke this off?

Cant.—The French ambassador upon that instant

Crav'd audience; and the hour I think is come
To give him hearing.

Better sure had Henry kept by his old guide Sir John Falstaff than sell his soul and kingdom to the Archbishop; a better man far the bully than the priest. Better the publican and sinner than the pharisee and hypocrite. Less dangerous to the state the merry devil of Eastcheap tavern than the seven devils of Lambeth palace. In July, 1422, the papal policy had reached its summit of success. Henry

successful at Agincourt, and married to Catherine of France, his infant son was universally regarded as the future heir of both monarchies. But the French war, provoked by the priesthood, in order to crush Wycliffism, proved fatal to the house of Lancaster, and the civil wars of the Roses reacted against the priesthood by preparing the way for the sweeping measures of the Reformation. It was on the 31st August, 1422, that Henry suddenly died, and the infant minority of his crown lost France by the Maid of Orleans, and lost England to the House of Lancaster. But though "the sin upon the head" of the Papacy sunk her supporters, her own ship of state kept the top of the billows for a century. The great schism of seventy years was healed at the Council of Constance, 24th July, 1417, by the unanimous election of Pope Otta de Colonna Martin V. Wycliffe's books and bones were burned in 1415. Huss and Jerome, his Bohemian disciples, were burned by the Council in 1415-16. The Emperor Sigismund, who had assembled the Council, attended it as a servitor, reading the Gospel in a deacon's habit, while the Pope celebrated mass, and making himself a liar at the cardinals' order by breaking his pledged faith and the imperial safe-conduct to Huss. The majority of the Bohemian nation, roused by the murder of their national reformer Huss, were in 1422 fighting successfully under blind Zizka against Sigismund. But Zizka's death in 1424 left Bohemian Wycliffism to perish as at this day. Thus southwards, July, 1422, saw "the whole world wondering after the beast, saying, who is like unto the beast? who is able to make war with him?"

Eastwards, the now largest empire of the world, Russia, under its own form of papacy, was first coming into existence in 1422, the name Czar then unknown. In the vast regions of the eastern world the Mahometans, whether Turks or Tartars, united their barbarous efforts to extinguish the light of Christianity. Asiatic Tartary, Mongolia, and the adjacent provinces where the religion of Jesus had long flourished, were now become the dismal seats of superstition, which reigned among them under the vilest forms. Nor in these immense tracts were there at this time any traces of Christianity visible except in China, where the Nestorians still preserved some scattered remains of their former glory, and appeared like a faint and dying taper in the midst of a dark firmament. The Greek empire was hastening to extinction. The Emperor John Paleologus, the feeble successor of Constantine the Great, came with his Patriarch to the Papal Council to solicit aid, upon hollow promises of joining the papal church. But judgment could not be staid, and Constantinople having fallen under the Turks in 1453, the Greek Church has been to this day subject to the Mahometans. The valiant Scanderbeg at the south-east corner of Europe could not prevail against Turkish barbarism any more than James Stuart against Celtic savageism at the north-west. Against the Turkish hordes and Tamerlane, the conqueror of Persia, India, and Egypt, and plunderer of Bagdad, Delhi, and Cairo, the papacy seemed the only bulwark. Such was the eastward view in 1422.

And westwards thick darkness still hid the new world. It was not until 1492 that Columbus opened up to the fugitives from papacy, that asylum where the

demons of the old world, slavery and sectarianism, are at this time in active conflict with the spirit of God. The only westward sight was one too sadly familiar to Sir John Stanley—Ireland, the Isle of Saints, but which the Pope, by giving it to be subdued for him by the sword of Henry II., had converted into an Aceldama, a field of blood. As agent for Henry IV., the priests' king, Sir John Stanley the father had drawn sword against the natives of that unhappy isle. And in Wales Sir John Stanley's own government, the natives now trodden by priests and soldiers, were swayed by Lord Powis, the Judas Iscariot who had sold Lord Cobham to his priestly murderers.

Thus on all sides Rome Papal hemmed in the Tynwald King, and above him Henry, his feudal sovereign, converted from Sir John Falstaffism to be the slave of the papacy, had given his sceptre to Chicheley, Archbishop of Canterbury, whose policy to arrest reformation and quench Lollardism in fire and blood was for the moment triumphant.

Sir John Stanley was a brave man, but also a prudent. If, as an English nobleman, enlightened by the Morning Star of the Reformation, he preferred retirement in Mona to military glory in Paris, and if he determined in his own seagirt kingdom not to grovel like Henry before the papacy, if he was not to be for the priests but against them, then there were only three conceivable ways of maintaining successful opposition to their dominion; by sword, by tongue, or by pen: that is, by physical force, by intellectual argument, or by feudal legislation. To attempt the first would be madness. Like Jehu he might possibly exterminate the priests of Baal in his own isle, but this slaughter would strengthen the system that gave power to the priests, provoke terrible reaction, and bring upon himself swift destruction from the universal power of the papacy. Printing being as yet unknown, the war of argument had been waged by Wycliffe's poor priests, at the risk and expense of their lives. And even John of Gaunt, Henry V.'s grandfather, the royal protector of Wycliffe, who stood by him so long as he fought against papal power, forsook him immediately when he began to attack doctrines such as transubstantiation. "The time was not come, the time when" Luther broke the intellectual sceptre of Rome by doctrinal appeals to the Bible. The Bible was not yet printed, and Stanley had not this fulcrum to move the earth. The only open way for Stanley effectively to resist Rome was by feudal law as a king. For this he had many precedents, and in this he might count on support from the kings and nobles and lawyers of Europe. They would stand by their order. Lord Cobham himself had resorted to this mode of defence, and that successfully. "The Archbishop of Canterbury, supported by the King, sent a citation to Cowling Castle, the residence of Lord Cobham. But feudal ideas were at that time no less fashionable than those of ecclesiastical domination. The high spirited nobleman availed himself of his privileges and refused admission to the messenger. Arundel then cited him by letters affixed to the great gates of the Cathedral of Rochester; but Lord Cobham still disregarded the mandate. Arundel in a rage excommunicated him, and demanded the aid of the civil power to apprehend

him. Cobham, alarmed at length at the approaching storm, put in writing a confession of his faith, and entreated his Majesty to judge for himself whether he had merited all this rough treatment. The king coldly ordered the written confession to be delivered to the Archbishop."

Sir John Stanley, warned by the fate of his martyred brother, stood in the stronghold of his feudal privileges, sharpened the state sword of Man, wrested from the Pope the sword of excommunication, and on his Tynwald Hill nailed to the mast of a flag of defiance to priestly domination. The code Stanley is still "the law of the land of Man." Two or three of its minor enactments only seem to have been repealed, and that by a minor authority. This anti-papal flag that has waved over Man for 438 years, must be prepared for the Armageddon battle of these last days. Through King Stanley II. God made the Isle of Man an anti-papal Island, and by His help it must be kept so always unto the end of the world. And in this battle may God defend the right.

The Stanley-Tynwald Document, which stands at the head of the *Manx Statute Book*, and is the key-note of the whole composition, merits more careful study than it appears to have received. I am not aware that it has been viewed as an anti-ecclesiastical document, and yet by implication it is a solemn and decided protest that the National authorities were then independent of the Papal ones; that the instalment and proclamation of the King of Man and the Isles could be validly and honourably accomplished without Papal or episcopal co-operation or aid; that the "beneficed men and clerks in their surplices" were subject to the civil government; that the Deemsters and Keys in great national affairs were superior to the Bishops, and could without them install a king who would summon the bishop to his feet, and compel him to do homage.

It would appear that the Stanley family, who sometime subsequently, from prudential motives, ceased to exercise the right of being called Kings, already at their first entrance in the government did not insist on the old prerogative of being "crowned with a golden crown." Montacute was thus crowned by Edward III. in 1343; but in 1406 and 1422 the Stanleys were satisfied with being installed and proclaimed on the Tynwald Hill. They wisely preferred substance to shadow, the reality to pageantry of power, and in this respect as well as in others they anticipated modern ideas. Yet, although they "conceived that to be a great king is a more honourable title than a petty king," they did not and could not thereby deprive the Island of its kingly Sovereignty. The document we are considering is the official programme for what seems to have been the first regnal array in the presence of a Stanley king on the Tynwald Hill. Sir John Stanley, in his contest with the Papacy, had deliberately resolved to take his stand on the insular institutions and on his own rights as feudal King, and to array on his side the authorities and inhabitants of his island. Accordingly these authorities, in council with himself, drew out in writing "the constitutions of the ould time," how a King "should be governed on his Tynwald Dayes." By submitting to be governed on his Tynwald Day by this constitution, the

claimant to the monarchy of the Kingdom of Man and the Isles came according to the fundamental laws into the full possession of the regal prerogatives. "Our doughtfull and gracious Lord this is the constitution of old time, the which we have given in our days, how yee should be governed on your Tynwald Day." As the Kings of Scotland were crowned at Scone, and those of England at Westminster Abbey, so the Kingship of Man and the Isles was promulgated on the Tynwald Hill. Queen Elizabeth's coronation at Westminster ran the risk of being stopped for want of a Bishop to put the crown on her head, all the Bishops, except Landaff, having refused the oath of supremacy. Charles II. was crowned at Scone by the Covenanting Presbyterian Clergy. All European Monarchs to this day deem it necessary to be thus legitimated by the Priesthood. Napoleon III. has not yet been able to obtain the Pontifical sanction which his uncle exacted. But King Stanley spurned the very principle of priestly legitimation. His Tynwald programme left, indeed, chief places for the heads of the clergy, but it was in their capacity of Barons of Man, not as princes of the Church, as the peers of King Stanley, not of the Papacy. And in the "Constitutions of ould time, as seen in his day," the only recognised place for Popish Churchmen, as such, was not on the Tynwald Hill as rulers of Man, but "without, in a circle in the fold." The old Druidical Circle had never been opened to the Papacy. This ancient constitution of the Royal Tynwald Day makes three ordinances, as to the array, the actions, and the legislation. It prescribes the array of seven parties, the performance of seven actions of state, and the enactment of fourteen laws.

The seven parties arrayed are (1) the King, who is to "come thither Royally and in his Royal arraye as a King ought to do by the prerogatives and Royalties of the land of Man." It was not for the sake of the mere pageantry that a man like Sir John Stanley admitted and submitted to this programme. 2. His Barons sitting in their degree beside him. 3. His beneficed men, that is, his chief officers and his Deemsters sitting before him. 4. His clarkes, his own knights, esquires, and yeomen in wing about him in their degree. 5. The worthiest men in the land to be before the Deemsters. 6. The Commons to stand without in a circle in the fold. And 7. The last and lowest place is assigned to the representative of the Papacy, "the three relics of Man, and three clarkes bearing them in their surplices."

The seven actions of state to be that day performed were—1st, "The worthiest men in the land to be called in before your Deemsters, if they will ask anything of them, and to hear the governaunce of your land and your will." This formula seems to set forth the solemn promulgation by the Deemsters and Keys of the Code Stanley, which some weeks before had been passed by the King, Deemster and Keys at Castle Rushen. 2. The King was to make to be called in the Moar of Glenfaba, as most ancient chief of the legal executive. 3. That Moar was to call on all the Coroners or Sheriffs of Man, "and their yards in their hands, with their weapons over them, sword or axe, and the Moar of every Sheading." 4. The Moar of Glenfaba, by solemn proclamation was then to fence

the Tynwald Court, that no rising was to be made in the King's presence, upon pain of hanging and drawing. 5. *And then*, when the sword of state is thus drawn, sharpened, and suspended over them, "you shall let your Barons and all others acknowledge you to be their King and Lord." And tyme you were here you received the land as heir apparent in your father's days, and all your Barons of Man with your worthy men and Coroners, did your father fealty: and inasmuch as you are now, by *the grace of God*, (and not by Papal or priestly unction) King and Lord of Man, ye will now. 5. That the Commons come and show to you their charters how they hold of you. The proprietors of the *quarterlands* or *charter-lands* belonging to the feudal governance of the Island, were then on the Tynwald Day to exhibit their charters, which constituted their lands estates of inheritance,—quarterlands, charter-lands, or customary freeholds. 6. After all the Commons had thus made fealty and claimed their constitutional rights, let the Barons refuse fealty at their peril, "and your Barons that made no faith or fealty, that they will now." 7. But if any fail to come, they shall have a term of grace, after which let them prepare for the edge of the sword of state, "And if any of your Barons be out of your land they shall have space, forty days after they are called on, to come and show whereby they hold and claime lands and tenements within your land of Man, and to make faith and fealty, if the wind and weather serve them, or else to take their temporalities into your hands." Thus the Bishop and his baronial brethren had their choice of either horn of the dilemma; either to swell the triumph of King Stanley on his Tynwald Day, or to be dragged to his feet to do homage, on pain of losing their baronies. On either horn King Stanley stood above them. The Archbishop of Canterbury had chosen feudalism as his weapon to destroy Wycliffism in England. How could he then object to the use of that same weapon in the Isle of Man? With the measure he meted, it was measured to him again. Chicheley, who burnt Wycliffe's dead bones, taught Stanley how to enthrone Wycliffe's living principles.

"But in these cases

We still have judgment here; that we but teach
 Bloody inventions, which, being taught, return
 To plague the inventor. Thus even-handed Justice
 Commends the ingredients of our poisoned chalice
 To our own lips."

The legislative enactments in the Stanley Tynwald document seem an afterthought or supplement to the Code Stanley. They are animated by the same cautious anti-papal spirit. The first step Sir John had taken was to provide a resident antagonist to the Bishop. This seems to have been the origin of the office of Lieutenant-Governor, and the first papal outbreak in the Island was directed against this new functionary. Accordingly the supplementary laws enacted on that great Tynwald Day supported his authority. "Also when you send your Lieutenant into the land of Man, and he cometh thither, and is received

as Lieutenant, in letting of lands, courts, holding, and all other governances, we give for law that all his acts be firm and stable, and what man that offendeth him to be punished as if he offended the Lord." The power of the Lord's own privy council was also increased, and the oppressions by inferior officers curbed, thus promoting the influence and popularity of the civil government over the priestly. Some commencement also was made towards a renewal of the old surety system, which under the names "courts of barons, views of frank pledge, leet, hundred, and wapentake," was specified in the charter of the Island to the Stanleys. Under this system all householders were organized as mutual sureties to keep the king's peace and to pay the Lord's rent; courts were held twice a year, called "views of frank pledge," at which the rolls of all the pledged persons were revised and completed, so as to keep the system in constant working order. So long as this civil organization retained its vitality, sacerdotalism could not be supreme; and the grand defect of Stanley's work was that he failed to re-establish this hundredary or decimal organization. Tacitus says that it existed in the woods of Germany. Alfred has the credit of organizing all England on this plan, thereby arranging the deep foundations of our civil liberties. Jethro and Moses made this the basis of the Jewish administration of justice. The remains of this system exist now in Man, as well as in the hundreds and tithings of England. The old Manx treenes, tithings, or divisions of ten, still exist, and are the basis on which the manorial rental books are constructed. This arrangement, if ever it existed in the Bishop's barony, is no longer to be traced; but on the Lord's lands the population seems at one time to have been organized into tens and hundreds. Ten families pledged for each others rents and peaceful loyalty were located in a treene, (signifying in Celtic ten sureties) the lands of which were given to the chief men, as holders of *charterlands*. Ten treenes, or one hundred families, constituted a Manx parish. A sheading comprising three hundred families, had thirty treenes or three parishes. The six sheading courts, under the seventh or Tynwald court, governed one hundred and eighty treenes, one thousand eight hundred families, or ten thousand persons. Such seems to have been the ideal of the domestic and decimal organization of the kingdom of Man. All England was in like manner organized into tithings, hundreds, trithings, and counties, under the Saxon and Norman monarchs. Every one, except outlaws and criminals, had his place assigned in this organization. The law there was that the sheriff and bishop should twice in the year go their circuit or tourn, and should hold their court in every hundred of the county; but the view of frank pledge was to be taken only once a year, namely, the tourn after Easter. The view of frank pledge was that part of the business which related to the taking of sureties, for it was the duty of the sheriff and bishop to see, once a year, that every person above twelve years of age, was in some tithing or decennary, and had taken the oath of allegiance, and found security to the king for his good demeanour. Until the statute of Marlborough, 52 Henry III., c. 10, A.D., 1268, the clergy themselves had no exception from attending the view of frank pledge. May it not be a question whether the clergy might not

now do worse than to restore this organization. The sacerdotal, the municipal, and the parliamentary systems have failed to give healthful organization to our vast populations, and three hundred years of reformation have not made our Protestant cities models for imitation. Sir John Stanley, like the reformers in the following century, had his own hands too full, or had not his attention sufficiently awake to the practical value of this domestic and anti-priestly organization; and therefore he and they have left their successors to remedy the growing defects of their great work, and to heal the disorganization of society by building up this household organization to supersede and demolish the papal Babel of the anti-domestic priesthood. This patriarchal and truly English order, under a king worthy to be priest of his own house, would supersede the Papacy in Europe more effectually than the Patriarch of Constantinople was superseded in Russia.

As to the anti-papal animus of the concluding provision in the Stanley Tynwald document, there can be no doubt;—"the sting is in the tail." It would seem that after the Code Stanley had received the sanction of King, Deemsters, and Keys, on the 25th March, 1422, at Castle Rushen, and they had there drawn up the Tynwald Day programme, a treasonable riot had taken place at Kirk Michael, the Parish Church of the Bishop. The source of this assault on the anti-papal government would not be far to seek. The intrusion of the Lieutenant, to keep a Royal court within the precincts and in the very sanctuary of the Episcopal Baron, was resented by violence. The bishop kept in the background, but moved his knaves and pawns against the king. "Upon Tuesday next after the feast of Corpus Christi, 1422, Hawley MacIsaac and men there being with him, did rise upon John Walton, Lieutenant of Man to kill him, and did beat and misuse the Lieutenant's men in the *church and churchyard*." The feast of Corpus Christi is on the second week after Whitsunday. The riot took place about a fortnight before the Tynwald Day. There was time for the law officers to assemble, and to add to the Stanley Tynwald document already prepared a postscript, which, like that in a lady's letter, contains the real gist of the document:—"Alsoe, forasmuch as the rising was made at Kirk Michael upon the Lieutenant that represents the king's person, his officers, and his men, those that the Lieutenant saw rise over him there without, the craveing of law is this—that they be first drawn, and hanged, and quartered, and their heads stricken off, and sett upon the Castle Tower, over the burne, another quarter at Holland Towne, and the third quarter to be sett up at Ramsey, and the fourth at Douglas."

Clearly the Bishop has, in loss of temper and discretion, made a false move, and the King sees his advantage, and is determined to push it to a check-mate. All "they that take the sword shall perish with the sword." From a conflict of mind the Bishop had descended to a trial of physical force. He shall be beaten. He is in the hands of a wise and strong man, who knows that if he destroy not the power of the priests, they will destroy his power,—and not his power only, but his life; as their mob sought the life of his Lieutenant, John Walton; and as their English masters, Archbishops Arundel and Chicheley, took the lives of Lord

Cobham and the Lollards. The closing sentence of the Tynwald programme was *no brutum fulmen*,—no vain threat. We shall hear more of it.

Meantime, there is no reason to doubt that the Code Stanley was promulgated, and the programme duly executed on the Midsummer Tynwald Day, 1422. From that day this Island began formally to be governed by written and statute law. It is certain that Sir John Stanley was in the Island in person on 25th March and 25th August, 1422, and it cannot be doubted that he was duly *promulgated* as King,—constitutional and legal King, on the great anti-papal Tynwald Day. "I was born free," said the Apostle Paul; and this Island's constitution was born free of Popery, and an enemy to the Papacy. From Spanish Head it frowns defiance to slavery, Spain, and the Pope. "The constitution of old time," which was given in the brave days of 1422, has been continued till now. The victory of national over Papal power, gained by Sir John Stanley, has been commemorated at the annual conventions of 436 years. It was the established custom of Europe, when the Pope as Father of Christendom and Vicar of Jesus Christ, imitated the Heavenly King, who meekly rode into Jerusalem on the colt of an ass, that then the Emperor, as representing the earthly majesty of Cæsar, should hold the stirrup of his Holiness. One little spot of Europe alone has not been profaned by this idol worship of Antichrist. Here the Pope's representative has had to hold the stirrup of him who represented the King's person. The Isle that enacts this protest is worthy to be called the Isle of *Man*, and to be the centre and heart of the Empire which concentrates the religion of Judea, the learning of Greece, the dominion of Rome, with the commerce and wealth of Tyre and Sidon, and seems, in spreading abroad the principles of policy begun in this Isle, to be the Imperial agent predestined to fulfil, in a subsidiary sense, the prophecy—"And thou—out of thee shall come forth the ruler of my people Israel, and of all ends of the earth."

The fifth anti-papal move of Sir John Stanley. The Bishop did not come. His place on the Tynwald Hill, Midsummer-day, 1422, was vacant. It was the second invitation he had slighted. Unable to serve two masters, he held to the Pope and defied the King. He would neither honour the King as a subject, nor, as a Baron of the Isle would he attend to do homage to his feudal superior.

"Nor was his service hard,
What could be less than to afford him praise,
The easiest recompense, and pay him thanks?
How due! Yet all his good proved ill in me,
And wrought but malice; lifted up so high
I 'adain'd subjection, and thought one step higher
Would set me in the highest.
O had his powerful destiny ordained
Me some inferior angel, I had stood
Then happy: no unbounded hope had raised
Ambition. Yet why not? All good to me is lost.
Evil be thou my good; by thee, at least,
Divided empire with heaven's king I hold:
By thee, and more than half, perhaps, will reign."

"Divided empire" may suit Satan ; but it cannot content a good king to hold divided empire with evil. The pride of the papal agent must be subdued. The Bishop must succumb or the Tynwald promulgation becomes a mockery. The thrones of the King and the Bishop are in direct antagonism. One or the other must yield. Which of the two is to stand ? That around which the nation shall assemble to pronounce decisive judgment. This, therefore, will be the fifth move of the anti-papal King. He will assemble the whole Manx nation and demand of them, as Elijah on Mount Carmel, choose ye this day and on this mount which ye will serve,—your own King and Deemsters and laws, or the Pope of Rome and his priests and canon laws ? Let the nation decide between king and priest, between native law and foreign law, now and for ever. It was a noble thought, and the limited sphere of its execution added to the greatness of the deed.

The Tynwald meeting has been a great success. Follow up the victory by pursuit. Not an instant is lost. The king fearlessly throws himself upon the loyalty of his people. According to "the constitution of old time the which we have given in our days," the king convokes a general assembly of the entire Manx nation, and not merely certain officials as on ordinary Tynwald Days. And this being no man-made court, hold it not on an artificial mount like the Tynwald Hill, but upon one of "the everlasting hills" And not in the proximity of Peel Castle, the man-made seat of the king's power, but towering above the bishop's own palace and the scene of the treasonable violence of his confederates, there assemble the great God-made court of the nation to sit in judgment on the Judges and Rulers competing for the national throne.

The battle was as great as the field was small. Gigantic principles contended on a Lilliputian sphere. Universal suffrage now so much vaunted was really practised. Our present European Armageddon conflict was there in a nut-shell. To compare small things with great, the prophet Joel had some such scene in vision when he exclaimed, "Assemble yourselves, and come all ye nations, and gather yourselves together round about : thither cause thy mighty ones to come down, O Lord. Let the nations be wakened and come up to the Valley of Jehosaphat, for there will I sit to judge all the nations round about. Multitudes, multitudes in the valley of decision, for the day of the Lord is near in the valley of decision."

The treason at the church of Michael had a deep root and meaning. It was no mere populace riot. Jesuitry may now play a deeper game than did the Papacy of Sir John Stanley's day. But even then the Popish riot struck at the whole policy of King Stanley from its first beginning. For in his first move, the Commissioners of the Lord were placed in full authority in the Island, and in his second move, the sanctuary claims of ecclesiastical baronies were proscribed. Accordingly John Walton, the Commissioner or Lieutenant, had proceeded to hold a court in the church of Michael, in the Bishop's Barony. Hawley M'Isaac and others, who claimed shelter from the Lord's jurisdiction under the wings of the Bishop, seeing their sanctuary thus invaded by the civil authorities, rose in rebellion, and attempted

at once to deprive the law of the land of its force, and the Lieutenant of his life. They knew well that nothing would be more acceptable to their episcopal patron than effective resistance to the laws of the land, as declared and administered by the Deemsters and Keys. The Bishop himself was at his time in open contumacious resistance to the whole authority of the Government, refusing to pay homage, and absenting himself and his fellow barons from the sovereign's court. And even after the treasonable rioters of Kirk Michael (be they who they might) had been declared liable to public execution, the bishop continued to trample upon the authority of the laws by ostentatiously absenting himself from the Tynwald Day proclamation of the king and the new code of laws.

It was an extraordinary conjuncture. Then was the first sheaf of the harvest that is now to be reaped. The central battle of Christendom was there, and in model, earnest, and first-fruits, it was fought and won in the inmost heart of the British Isles. The Pope, the Church, the canon law on one side,—the King, the State, and national law on the other. The Bishop refused to bow at the Tynwald. He must be struck down by the blow of the assembled nation on the hill of Reneurling, and with him the power of the papacy must fall in the centre of the Isles of Britain,—omen and earnest of its final fall.

Before directing attention to the Court of all the tenants and commons of Man, on 25th August, 1422, which confirmed the new written system of Anti-Papal Law—summoned before them the Bishop of Man, Abbot of Rushen, and all the ecclesiastical barons—took measures for national defence and government—and, after trial, passed sentence of death upon sixteen traitors,—we may make one or two general remarks on the Christian rank and value of such a court.

The home commission by the Lord Jesus Christ, in Matt. x., for the immediate benefit of the Jewish nation, directed his twelve "workmen" to address themselves to its constituent houses, villages, and cities. The foreign commission, Matt. xxviii, 18—20, directed them to "disciple all the nations." Had the Jewish nation accepted the kingdom of God as finally offered, it would have been God's "battle-axe and weapon of war" to subdue all the nations,—in other words, would have been the example, model, guide, and firstfruits of the nations. It was to this high position that the nation was called through Moses—to be the firstborn of nations to God, Exod. iv. 22, xix, 4—6. It was this privilege and position that they finally forfeited by rejecting and crucifying the Lord of Glory. The vacant situation was then opened to the competition of the other nations, Acts xxviii, 25—28. "Therefore I say unto you, the kingdom of God shall be taken from you, and given to a nation bringing forth the fruits thereof," Matt. xxi. 43, Rom. x. 12, 19. What nation shall this be? Manifestly, no one nation has yet ascended to the sublime position of being the firstborn and firstfruits of the nations to Christ. We might hope that the British Empire has a claim to the crown of the nations. But if nations, like individuals, are to be judged not by professions but by actions, the actings of this empire towards India and China can scarce bring honour to Christianity among the heathen; nor amidst European

complications has there been maintained a decided anti-papal policy ; nor is the state of the home population a proof of Christian education and training. As against the canonization of the British empire, the Devil's advocate would as yet have an unanswerable case. Weighed in the balance of eternal justice, was the British policy of 1858 towards India, more conformed to the law of Christ, than the Stanley policy of 1422 towards Man ? It may be more than doubted. Sir John Stanley, at the head of the smallest nation of Christendom, rises up in this age of decision, with his descendant Lord Stanley, governing by the greatest nation in Europe, the greatest people of Asia, at the greatest crisis of their history, and is it Stanley the Father or our British rulers that merit the palm of fidelity ? Can the sigh be restrained ? Oh ! for the Anti-Papal King as Arbiter of Europe and Dictator of Hindostan, and to rally all the nations around the standard of true national Christianity.

The Papacy has done its utmost to conceal from the nations their high calling. To extinguish national life, religion, and laws, has ever been the aim of Rome. "The fourth great beast shall be diverse from all kingdoms, and shall devour the whole earth ; shall tread it down, and break it in pieces." As Rome Pagan crushed the nations into one empire, so Rome Papal by fraud has sought to dissolve them—to melt them down into a level, over which the sacerdotal chariot shall roll smoothly ; or, to take a Scriptural similitude, "The waters where the where sitteth are peoples, and multitudes, and nations, and tongues," Rev. xvii. 15. The Papal theory is, that the ultimate social perfection of mankind will consist in their ecclesiastical organization under clerical government. The Scriptural theory is the opposite of this, and proceeds on the principle that churches and clergy are for nations, and not nations for churches and clergy. Clerical societies are the temporary scaffolding in order to the building up of "discipled nations." "No temple" is seen in the New Jerusalem ; churches and clergy are there "waxen old and vanished away." Nations preceded churches, and shall outlast them. In the New Jerusalem (i.e., the Christianised family of earth,) the beloved disciple "saw no temple there." "But the nations of them that are saved shall walk in the light of the Lamb and the New Jerusalem ; and the kings of the earth do bring their glory and honour into it, and they shall bring the glory and honour of the nations into it. And the leaves of the tree of life shall be for the healing of the nations."

It was after the great Papal schism in the fourteenth century that the nations began to acquire courage and vigour to resist the papacy, and to assert their own God-given rights. Afar off, on an isle of the Gentiles, a "foolish nation and no people," at the uttermost end of the earth, asserted its inherent rights and performed its anti-papal duty in a more decided way than any European nation. It thus became "the firstborn" of anti-papal nations, and then entered the lists for the prize of being the firstborn of Christian nations. Under a Gideon-like king "of Tarahish and the Isles," it began to "redeem" itself from "deceit and violence." The Armagideon harvest was then in the distance ; there was a mere

"handful of corn on the top of the mountains." But He who had said, "Listen, O isles, unto me, and hearken ye people from afar,"—He who accepted, at the one extremity of the earth, from the forty thousand returned captives the dedication of their untempled altar, (Ezra iii.), would not "despise the day of small things," an assembly of the least of the nations at the other extremity to legislate, "by the grace of God," against Antichrist, and deliver themselves a prey from the mighty, and a captive from the terrible. And looking back to the anti-papal acts of this Island, let us not fail or be discouraged, until He who "breaketh not a bruised reed, and quencheth not the smoking flax, shall bring forth judgment unto truth, set judgment in the earth, and the Isles shall wait for His law."

Blackstone, in his admirable *Commentaries on the Laws of England*, traces back the right of property to its origin the Divine Grant of the earth to man.—Gen. i., 28; Book 2, chap. 1. On this principle the legitimate proprietor of this Island is the Manx nation, according to the divinely appointed division of the earth in Gen. x., 5, "By these were the isles of the Gentiles divided in their lands, every one after his tongue, after their families in their nations." Violence and conquest may have given the right of might to Romans, to Scandinavians, and to inhabitants of other lands, but the legitimate and divinely given proprietorship and dominion of this Island have ever belonged and must ever pertain to "this nation," to those engaged here in obeying the primitive command—"Subdue the earth and have dominion;" and to those appointed by and holding of the nation; and therefore, according to the feudal system of property, the Crown, as holding from and acting for the nation, is, under God, the sovereign and proprietor of all the land.

Sir John Stanley laid the foundation of the reformed constitution of the Manx nation upon this divine and immoveable foundation. A house not built upon the rock could not resist the storms that tried the foundations of his. He acknowledged the ultimate sovereignty of the nation under God, and submitted to its decision of the controversy between himself and the papal bishop. The court of all the tenants and commons of Man was not only the most powerful body that could be assembled in this Island, in the then circumstances of the British Isles, but in all circumstances and in all times it was and is the most authoritative and legitimate body, the ultimate court of appeal under the throne of Him who gave the Island to the Manx people.

The papal so-called infallible claims could be repelled only by a court having really infallible, that is, divine authority. The leading theologian of the papacy, the angelical Doctor Thomas Aquinas says "In the Pope is the summit of each power," "When any prince is denounced or excommunicated on account of apostasy by his decision, his subjects are immediately freed from their subjection and oath of allegiance to him." His treatise on the rule of princes, affirms that "the Pope, by divine right, hath spiritual and temporal power, as supreme king of the world; so that he can impose taxes on all Christians, and destroy towns and castles for the preservation of Christianity."

These Papal claims were not dormant or ridiculous in Sir John Stanley's day as they may be now in these Islands. It was after his day that Spain received America, and Portugal India from the Pope. A century and a half after that day, the Pope who drew up the present creed of the Papal Church, Pius V., in 1570, in his bull "Regnans in Excelsis" against Queen Elizabeth, declared "He that reigneth on high, to whom is given all power in heaven and in earth, committed one holy catholic and apostolic church (out of which there is no salvation) to one alone upon earth, namely, to Peter, the Prince of the Apostles, and to Peter's successor, the Bishop of Rome, to be governed in fulness of power. Him alone he made prince over all people and all kingdoms, to pluck up, destroy, scatter, consume, plant, and build." "We do, out of the fulness of our Apostolic power, declare the aforesaid Elizabeth, being a heretic, to be deprived of her pretended title to the kingdom aforesaid, and of all dominion, dignity, and privilege whatsoever." "And we do command and interdict all and every, the noblemen, subjects, people, and others aforesaid, that they presume not to obey her or her monitions, mandates, and laws. And those who act contrary we involve in the same sentence of anathema."

Sir John Stanley had not to back him the physical power of England, which enabled Elizabeth to defy the Armada and all other armaments that the Pope and his adherents could bring against her. He therefore had the more need of moral power, for planting his anti-papal throne on a divine basis. Robber kings, such as John of England and Reginald of Man, who gave their kingdoms as fiefs to the Pope, and the present despots of Europe, having no root of allegiance in the hearts of their nations, may be glad to compromise with an abler and more astute robber than themselves, and share the spoils of oppressed nations between false kings and false priests; but the Stanleys were true kings, nominated as the best of his nobles by the King of England, under the advice and sanction of his anti-papal Commons, and accepted by the Manx nation as the rightful successors of their ancient kings. Joining their right and might together, the king and the nation, though physically the weakest, became morally and rightfully and actually the strongest, so that the false thunder of the Vatican was hushed, and the Pope's representative knelt before the court of the smallest nation, at the feet of his anti-papal king. The Devil's strongest lie cannot stand before God's least truth. "Resist the Devil and he will flee from you." "Only be thou strong and of a good courage." "Oh that they were wise; how should one chase a thousand and two put ten thousand to flight, for their Rock is not as our Rock, even our enemies themselves being judges."

It is certain that "the court of all the tenants and commons of Man" was no new institution by Sir John Stanley. "The constitution of old time, the which we have given in our day, how you should be governed on your Tynwald Day," no doubt governed him also in the collective court of the nation. We have the authentic information of Caesar that the assemblies of the multitude were among the Celts, as among the ancient Greeks, the supreme political authority. The

Scandinavians regulated these assemblies in this Island, as they in so systematic a manner did in Iceland. The Code Stanley refers to precedents of King Orry. Under Stanley, as feudal Lord of the Manor and Sovereign of the Kingdom of Man, the national assemblage had a two-fold character : as the Court of the Manor it was composed of all the *tenants*, and as the Supreme Court of the Nation it was attended by all the *commons* of Man, before our doughtful Lord, Sir John Stanley, by the grace of God King of Man and the Isles." A Court Baron we know is to this day composed of all the tenants and customary freeholders, who sit as the judges and jury and homage of the Manor.

And thus the feudal institution corresponded with the aboriginal Celtic assembly, which like that of ancient Israel, comprehended the whole nation individually and collectively as at the foot of Sinai and on the plain of Moab. "Ye stand this day, all of you, before the Lord your God; your captains of your tribes, your elders, and your officers, with all the men of Israel. Your little ones, your wives, and the stranger that is in thy camp, from the hewer of thy wood unto the drawer of thy water : that thou shouldst enter into covenant with the Lord thy God, and unto his oath which the Lord thy God maketh with thee this day ; that he may establish thee this day for a people unto himself, and that he may be unto thee a God, as he hath said unto thee, and as he hath sworn unto thy fathers, to Abraham, to Isaac, and to Jacob." The Israelites soon after were advanced to the status of being God's tenants. It was a court of all the Commons of Israel that was held on the plains of Moab, and the date of that memorable court was just the same distance of years after Abraham as we are after King Stanley II.

The child is the father of the man, and usually is a miniature resemblance of him. On Reneurling Hill, in 1422, we find a miniature picture of the Protestant British Empire. Kings, Barons, Commons are there, and the Pope's representative crouching at their feet. It is the embryo of the mighty Protestant empire. The primary germ cell and the first spark of life commenced at the heart of the British Isle. If we had a second Professor Owen, as profound in the science of national life and structure as the existing one is on individual life and embryology, how he would delight to trace the development of the Protestant embryo up to the stage of present progress, and to anticipate the further stages up to the perfection of the New Jerusalem.

That "Tuesday next after the feast of St. Bartholomew," the 25th August, "in the year of our Lord God, 1422," was the day on which the Dagon of Papacy began to fall politically in the British Isles. On that morning the central nation assembled from all parts of their Island. The Hill of Reneurling is gradually covered by a dense assemblage. The side towards the Bishop is like Ebal ; the opposite side is like Gerizzim, whence have flowed the blessings of Protestantism for four hundred years. The tribes of Man take their places to curse and to bless and all the people say Amen. The King, like Moses, is in the centre, and his Deemsters, twenty-four Keys, and the seventy members of the Great Enquest, are like Aaron, and Hur, and the heads of the tribes of the thousands of Israel.

The seven years' conflict with the dominant priesthood is this day to have an issue. The Bishop and his seven ecclesiastical Barons have been summoned by the authority of the nation, and the nation has assembled as one man, from Dan even to Beersheba, from the Calf of Man to the Point of Ayre, headed by all the regal, judicial, military, and patriarchal officers, to see whether the Papal officers will resist any longer the unanimous voice of a congregated realm. The Council of Constance, seven years ago, had decided that the Pope is subject to a general council, and this decision is now applied to the case of a nation. Will the Pope's representative bend or break? How different his position in the days of King Stanley from his proud elevation in the time of Kings John and Reginald, when the realms of England and Man were spread as fiefs before his feet.

Along with the serpent's poison, the Papacy has always exhibited a large share of the serpent's wisdom. Every other move on the chess board being exhausted, the Bishop makes the best move he can. He submits. At least he seems to submit. As if a wolf came out of his den unable to resist so great a multitude of hunters, and, fox-like, crouched with mock humility at the mountain throne of Man.

"In the which Court the Bishop of Man was called to come to doe his Faith and Fealtie unto the Lord, as the Law asketh, and to shew by what claim he houldeth his Lands and Tenements within the Lordship of Mann. The which came and did his Faith and Fealtie to the Lord."

Was the Bishop well advised in refusing his homage to the Lord of Man, until compelled to pay it in presence of the assembled nation? Certainly he thought so; and his immediate gain was considerable. He had bearded and defied the King, and his officers, and Tynwald, and they were compelled to confess their official weakness and inferiority by assembling the whole *posse comitatus* of the nation before he would bend his knee. That it was a strong and desperate step, and one which the officials of the Island would resort to only in their direst extremity the Bishop well knew, and we also know, for a similar assembly has not been held for the four hundred years since. At the great Puritan crisis in 1643 the King did not dare to assemble a real court of all the Commons of Man. That nothing short of such a national demonstration could compel the Bishop's homage to the King, was in itself a triumph over the King. And all he yielded was mere feudal homage and fealty as possessor of lands and tenements. His lands and tenements he thus secured, according to law, safe from all regal and lay invasion, and his sacerdotal powers, by which his predecessors had trampled on the necks of kings, had not been ostensibly touched. It was so far, then, as the fifth move of King Stanley, a drawn battle between him and the Bishop, even when the Bishop, as representative of the Pope knelt at his feet.

The serious question on which the final issue depended was this,—Will the physical power of the nation, which has exacted this formal submission to the king, continue to be against the ecclesiastical and on the side of the civil power? The claims and assumptions of the Papacy will be hid under lamb-like meekness

until power be on its side again, and then the tiger claws will be unsheathed from their velvet sheath, as was seen in this very Island four score years after King Stanley, when Bishop Huan was guardian of his descendant, a minor, and Cardinal Wolsey was Lord Paramount of England. Popery now seeks a second revival.

King Stanley was a wise man; he knew that it was the physical power of the Manx people that balanced the over-whelming influence of the priesthood. He therefore continued his popular policy, and thus the privileges of the Manx people acquired a constitutional stability which has carried them down to our own days, "cast down but not destroyed," notwithstanding a succession of assaults from fraud and force.

"The abbot, also, of Rushen, and prioress of Douglas, were called to do their fealty, and to show their claims of the holdings, lands, and tenements within the Lordship of Man. The which came and did their fealty to the Lord."

The Bishop having succumbed, his immediate followers the Abbot and the Prioress, followed his example. And thus the goodly lands of the Nunnery and the Abbey were preserved to Mother Church for another century. Had the papal authorities of the Island known in this the day of their visitation the things that belonged to their peace, had they repented and humbled themselves, and done their first works as diligent preachers of God's word and faithful instructors of the Manx nation, they might have remained blessings and blessed to this day, and no lay spoiler, no unconstitutional act of Henry VIII. of England would have wrested those goodly endowments from the Manx church. But they were blinded. Like the Puseyites now, and the Laudites of the seventeenth century, they minded the church rather than the good of the people,—the pomp, power, and wealth of the clergy, rather than the salvation of souls and the kingdom of the Redeemer. As the Popish Church fell, so too, likely, will their imitators of our day. Let the nations be but once again aroused, and the fire of Reneurling will be but a tiny spark, compared with the consuming conflagration that will envelope Europe, and burn up the modern cities of the plain and all that they contain.

Of this consummation Reneurling gave a pledge and earnest. The five foreign ecclesiastics were visited with the full rigour of feudal law. Their temporalities were forfeited to the Lord's use, and by the spoils of the foreigners King Stanley was strengthened to renew successfully the conflict with domestic traitors.

"The Prior of Whithorn, in Galloway, the Abbot of Furness, the Abbot of Bangor, the Abbot of Saball, and the Prior of Sanntlebede, in Copland, were called and came not, and therefore they were deemed by the Deemsters that they should come *in their proper persons* within forty days, and came not, for the which all their temporalities were seized into the Lord's hands.

The Scottish prior was first proscribed. While there were Scottish claimants to the crown of Man, and the relations between Scotland were far from cordial, it was not likely that the Prior would venture his proper person within the jurisdiction of King Stanley's Deemsters, more especially after that law newly promul-

gated, "that all Scots avoid the land with the next vessel that goeth to Scotland, upon pain of forfeiture of their goods and their bodies to prison." We may therefore conclude for certain (according to the text in the British Museum copy, though not according to the printed copies of the Statutes) that the temporalities of Whithorn Priory were forfeited, and that thus the Barony of St. Trinian's came into the hands of the Lord of Man. St. Ringan, or St. Ninian, was a Scots saint, in whose honour, during the Scots occupation of the Island, the now ruinous kirk of St. Trinian's began to be built. The walls were ready for roofing when the Scots were expelled by Montacute, and the strong walls have never since been roofed or disturbed, the supremacy of the Barony, for whose use the kirk was intended, having been, since King Stanley's day, in the hands of the Lords of Man, none of whom have been noted as church builders. The other four ecclesiastical baronies in all probability followed the fate of St. Trinian's,—teaching lessons which, as they are difficult practically to learn, so they are not at present prudently to be expressed.

Having compelled the feudal submission of the Bishop and his two confederates, the nation court, presided over by the king, adopted three important measures for building up the state. The first was for defence against external enemies, chiefly the Scots, providing for watch and ward upon the forts and coasts. The second gave increased power to the executive over all residents. The third was a formal confirmation of all the lately promulgated laws, so as to give them the authority, jointly and severally, of the King "through the Grace of God," of the aristocracy or the best of the commons, and of the assembled nation.

The nation court next proceeded to take up criminal cases. The Deemsters, in presence and by appointment of the nation, and as the judicial organs of the nation, conducted the trials of sixteen men for high treason. Some confessed, some denied, and Hawley MacIsaac, the very leader of the assault in the church of Michael, against the authority and life of the Lieutenant, was as defiant as his episcopal patron. The issue was that all were found guilty. Some were condemned to be drawn by wild horses, according to ancient customs, and some to be hanged or beheaded. But apparently all, even Hawley himself, appealed to the king's grace and were forgiven. Sir John Stanley, while laying anew the foundations of law and justice in his kingdom, shed no blood unnecessarily. By wisdom he set law and government above papal power and lawless force. When convicted enemies threw themselves at his feet, they obtained from the Wycliffe king the mercy he himself expected from the King of Kings. Thus shedding no blood,—not taking the sword, and therefore not to perish by the sword, the anti-popery of Man by meekness, truth, and righteousness began its course, and by the same may it prosper unto perfection.

The sixth anti-papal move of King Stanley. After the Bishop had, as Baron of the Isle, done fealty to King Stanley, he had a claim to feudal protection, and from a document lately discovered in the archives of the Duchy of Lancaster, among the relics of the Abbey of Furness, it appears that the Bishop claimed his

feudal rights in due form. This document is a confirmation by Sir John Stanley of the charter to Bishop Richard from King Magnus, as previously confirmed by Randolph, Earl of Murray and Lord of Annandale and Man. This confirmation by Stanley is dated 11th July, 1423, being one year after the Bishop had done homage on Reneurling. The Bishop thus parried feudal strokes by a feudal shield, and in this showed his practical wisdom. We have seen this charter; that it makes over to the Bishop and clergy all the obnoxious privileges which it had been the struggle of the last nine years to take from them; and therefore by signing this charter anew, Sir John Stanley seemed to abandon the fruits of his struggles and victory, and to leave his priestly antagonist victorious. The truth is that Sir John Stanley was placed in a dilemma. Had he refused to sign the charter, he exposed himself to the charge of breaking national engagements, and laid himself open to the irresistible power of his priestly enemies in England. By signing it he seemed to yield all to the church, and to bind himself in honour to cease his warfare against priestly usurpation. He took the only course open to him,—the path of safety and honour. He signed the charter, but with a written reservation. He inserted a protest in the body of his confirmation, securing all his past gains and leaving him full power to make farther progress. The Scottish Lord of Man, Wallace's companion, had signed an unqualified confirmation of the charter of King Magnus; but the English Lord, the subject of the priest-ridden Henry V., vindicated the rights of his throne and of his nation against the claims of the Papacy and the church, by the following formula of confirmation:—

“And forasmuch as he (the said Bishop Richard) and his predecessors have held and occupied these donations, concessions, and liberties, with their accompaniments, beyond the bounds of memory, We, the said John, Lord of Man and the Isles, of our special grace as aforesaid, have approved, ratified, and in all points confirmed this charter, saving always to us, our heirs, and successors all the services and customs conceded of old to us and our predecessors, by the assent and consent of the whole lordship, both spiritual and temporal.”

The Latin words are “*Salvo semper nobis et heredibus, et successoribus nostris, omnes servitiæ et consuetudines nobis et predecessoribus nostris, ex concessione et assensu totius dominii, tam spiritualium quam temporalium, ex antiquo concessis.*”

This reservation, grafted on the feudal charter, is a vigorous sucker growing from the root, and destined in time to supersede the old gnarled stock. In the “assent and consent of the whole lordship, spiritual as well as temporal,” there is the fountain head of a great river, the principle and beginning of a new world. If the lordship be spiritual as well as temporal,—if assent and consent of the whole lordship be able to over-ride the old papal arrangements, or to innovate upon them at will,—and if all that has been enacted by the whole lordship at Tynwald, Reneurling, and Castle Rushen is to stand, the structure of Hildebrand and Bishop Richard is undermined; and the handful of corn sown on the top of the mountain by King Stanley will, in due time, produce, under the culture of Luther

and Wesley, all that we now see, and much more that we believe is to overspread the earth. Give the Bishop then his charter; and if he is pleased with King Stanley's confirmation, he is not the only one who has mistaken the hectic spot of consumption for the glow of health.

The seventh anti-papal movement of Sir John Stanley. As it was seven years from his accession before Sir John Stanley took the important and perilous step of assembling the whole commons of Man, in order to set the Nation above the Bishop and his supporters, so another seven years elapsed before he took the steps necessary to finish his great life's work. It was in 1430, under a new Lieutenant, Henry Byron, the Stanley constitution of the kingdom of Man was fully built up to a height which it has never since been permitted to attain. Feeling, perhaps, his own end approaching, and having no confidence that his son would walk in his steps, he endeavoured to secure the constitutional privileges already exercised under him. Such fears were too well grounded. He died in 1432. No record exists of a Tynwald Court for a long time after his death, and never since to this day has a court of all the commons of Man been summoned or assembled. The records of two courts of all the commons of Man, held by his Lieutenant, Henry Byron, are preserved. One at Tynwald in 1429; the other at Castle Rushen in 1430. Both were important,—the second particularly so.

The record of the first is brief, and seems imperfect. The copy in the British Museum gives thirty-three names as members of the court; the Island copies have retained only eighteen names. It was certainly not a mere meeting of the twenty-four Keys, along with the officers of the King, but how the members were appointed does not appear. Our copy states that the king threw himself on the affection of his subjects, for "yr gracious Lord of Man asked in the way of charity the advice of all the commons." This most touching and beautiful statement has been erased out of the legal copies. Such patriarchal relations between a king and his commons are alien to hard official minds, and cannot be embodied in legal process. The too early snowdrop is cut down by the frosts. Sir John Stanley appeared long before his time. "The winter was not then past, nor the rain over and gone." One flower appearing on the earth did not make a summer. The copies in Castle Rushen have been altered since the year 1645, (see page 117,) as is evident from their having the word "proweesse." The Museum copy has the older word "proofes," which the seventh Earl's legislature defined to mean *proweesse* or *combat*. The dim record that has reached to our time shews us that Sir John Stanley, anxious to amend the country as well as to profit the Lord, proposed to the court of all the commons, (1) That Tynwald Courts be held thrice in the year; (2) That controversies be decided not by the savage wager of battle, but by the good and the true in the country; (3) That there be uniformity of weights and measures; (4) That Scots and Irish be admitted to reside in the land, by taking the lawful oaths; (5) That no man's goods be taken but by law and inquest; (6) That the rights of married women be better secured; (7) That the severe yoke on servants be lightened. His proposals on these points were legalised

by the court of all the commons, in a wise and progressive spirit of legislative improvement. If the influence of one Wycliffe led to such national progress, what may we anticipate when men imbued with his spirit and taught by all subsequent experience shall take the helm of the nations !

The ripest and highest results of Sir John Stanley's anti-papal constitution are to be seen in the last recorded minutes of the proceedings in a court of all the commons of Man, held under his reign. This record is printed above in pages 79, 80, and 81. Taking the record there as our text we remark,—(1) The name of the court. In 1422 it was called "the court of all the country;" in 1429-30 it has acquired the more definite feudal name "the court of all the commons of Man." (2) The locality. In 1422 it was held "at Kirk Michael, upon the hill of Reneurling," over against the Bishop whom it was intended to overawe. In 1429 it was held at Tynwald,—the central legislative mount,—the object of the court being to pass important laws. In 1430, it being intended to establish the national executive as superior to the courts of Abbot and Bishop, and as the supreme criminal, civil, and ecclesiastical court of the kingdom, the court of all the commons of Man was holden at the Castle, betwixt the Buttes. The centre court of the Castle of Rushen was the place of meeting. (3) It was "before Henry Byron, Lieutenant of Man," not before the King in person, that this court was held. It may have been inconvenient for him to come across in mid-winter, "upon Thursday next after Yole." The increasing troubles in England and France, or his growing age, or the growing power of the Papacy, or his desire to set in operation a system of national courts which would exert supreme power in the absence of the king,—any one of all these causes may have prevented the personal presence of King Stanley. (4) The chief peculiarity of the record of this court consists in the specification of the exact number of its members, and of the mode of their appointment. They were thirty six in number, each of the six sheadings of the Island being represented by six members; they were appointed by election. The record is express,—“in which court six men for every sheading of Man, chosen by the whole commons of Man.” Nothing can be clearer than that here was a popularly elected body,—a House of Commons, elected by all the commons of Man. It was not a numerous, unworkable body of people, like the Reneurling court of all the country; nor was it a smaller, undefined membership, as at the Tynwald in 1429. It was not made up of the twenty-four Keys and the king's officers, like the modern Tynwald Courts; nor was it made up of four men appointed by the Lord out of each parish, according to the dictum of the seventh Earl of Derby in 1645. But it was evidently and unanswerably a popular representative body, chosen by all the commons of Man, and that according to the old and immemorial arrangement of the Island into six territorial districts, called by a name partly Celtic and partly Scandinavian—sheadings. As the Long Parliament alarmed the seventh Earl of Derby, and induced him to substitute for a really popular representation, a body over which the king had full control; so the parliaments of Edward III. and Henry IV. had encouraged Sir John Stanley to

organise a real and effective representative body in the Isle of Man, and in this step he was following up all his previous policy against papal despotism, in favour of national privileges, and in accordance with "the constitution of the ould tyme, the which we have seen in our dayes, how you shall be governed upon your Tynwald dayes." (5) A most memorable circumstance in this national parliament, chosen to represent all the commons of Man, was this—that the twenty-four Keys were neither admitted nor excluded, *ex officio*. We have no evidence that all the twenty-four were members, and we have the most distinct evidence that at least fourteen of the Keys, "the eldest and the worthiest of all the land of Man," *i.e.* William Skerffe, William of Ivanhoe, &c., were elected to be representatives of the commons in their respective sheadings. The principle of free popular election was carried out in practice. The commons were not prevented from choosing the worthiest men because they had been already appointed to give counsel to the Deemsters, nor were the twenty-four Keys imposed on the commons as their representatives without being freely chosen. Thus the commons of Man were then more privileged than the commons of England are now; for they cannot choose as their representatives the eldest and worthiest men of all the land of England, if they are already members of the hereditary house of legislators, or have been once ordained as clergymen. (6) It is very evident that the six sheadings did not at that time elect a new House of Keys. This has been often asserted, but upon no evidence. There is no record of any such event as a popular election of the twenty-four. This election in 1430 is the nearest approach to any thing of the kind, but in this case thirty-six were chosen, not twenty-four. And the eldest and worthiest of all the land of Man, whether they were or were not members of the court of all the commons of Man, are expressly named as being the council to give advice to the Deemsters, when asked by the Lieutenant to declare the law of Man, for the guidance of the court of all the commons. There are three catalogues of names given in this record, which are not identical though they have many names in common; a catalogue of the members of the court, a catalogue of sixteen members of the Deemster's council (*i.e.*, the twenty-four Keys), and a catalogue of the twenty-four jurors who decided on an appeal from the Bishop's commissary. If we do not distinguish between these three distinct bodies we fall into inextricable confusion, which, of course, no man would wish to do, unless he had a purpose to serve. (7) The business transacted at this court of all the commons of Man was not like that of modern Parliaments and Tynwald Courts, to make laws. That old court was a legislative but not a law-making body. Laws they regarded as too high and sacred to be made by men. Laws were to be declared, not to be made,—were divine, not human. And perhaps they thought it as little their department to make laws for man's conduct, as for his intellect or his digestion. Their great antagonist, the Papacy, had presumed to make laws for man's intellect as well as his conduct, but these worthiest men of all the land of Man seem to have had the impression that God and nature had already made all the laws necessary for man's conduct, as well as for his stomach and intellect.

and that their highest duty and attainment would be to discover, declare, execute, and obey these breast laws of the Creator. They thus showed themselves to belong to the inductive or Baconian school of legislators; their business being to discover and apply the right and eternal laws of human conduct,—not to make them. At any rate the court of all the commons of Man did not presume to make new laws for their nation, but they asked and obtained the royal assent and confirmation in their national assembly of what had already been declared to be the laws of Man, since the accession of Sir John Stanley. “In the which courte the said Henry Biron, Livetenant of Man, sittinge in the said courte, grauntes and confirmes, in the Lord's name all these said askinges, to be houlden as for law fro henceforth, as they are hereafter written.” In this most solemn and constitutional manner the seal of royal and national approbation was placed on the Code Stanley, as recorded along with the minutes of the court of all the commons of Man, in 1430.

8. After performing the highest legislative functions, the national representative resolved itself into a supreme Criminal Court. In this capacity it took up a case of violence that had occurred in the head court of the Abbot of Rushen, and heard the law of that and such cases declared by the Deemsters and their council, the twenty-four Keys; just as in cases of parliamentary impeachment, the twelve judges of England may be consulted for the guidance of Parliament in its criminal jurisdiction. On this head we may quote from a series of letters in the *Manx Sun*, of 10th March, 1859:—

“The representative court of the Manx nation which met at Castle Rushen, A.D. 1430, having first, as we have seen, acted as the supreme legislature, proceeded secondly to constitute itself into the supreme judicial or criminal court. In this capacity the national representatives dealt with one criminal person, and with four questions of criminal law.

The criminal was William M'Aulay (whether ancestor of that Alan M'Aulay immortalized in Sir Walter Scott's *Legend of Montrose*, antiquarians have not decided.) This same William seems to have been, like his Highland namesake, rather strong-handed, “for as much as he smote Donald McGubbaine, and the said Donald being ill wounded with a staffe, fell down to the ground.” The cause, manner, and instrument, all aggravated William's offence. The cause was “because the said Donald with his fellows, the 12 sworn men of the enquest, had indicted the said William of felony.” William being an advocate for the conservative system of prowess, resented the liberalism of legal process, and trampling on the pettifogging peddling of lawyers, appealed there and then to the good old rule, the simple plan of trying which head was the hardest—not intellectually but physically. It is no wonder that William, poor fellow! was so dark four hundred years ago, when our American cousins are sometimes in the habit of following his example to this day, as in the case of Senator Sumner, whose head was broken by a brother senator in the very House of Legislation, a little time ago. William, like his Yankee imitator, did not much respect the dignity of place; for it was

"in the presence of the Lieutenant of Man" that he experimented on the hardness of Donald's head, and the said Donald was one of the insular sworn enquest-men; and, moreover, it was "in the head court of the Abbot of Rushen" that the unlucky Donald, having a head softer than William's "staffe, was downe felled to the ground, in presence of the said Lieutenant of Man."

It was, we may remember, in the parish church of the Bishop at Kirk Michael, that Hawley M'Isaac assaulted John Walton, the Lieutenant of Man; and it was in the head court of the Abbot of Rushen that William M'Aulay committed his assault in the presence of Henry Byron, the Lieutenant. Put these two together—the Bishop and the Abbot—and we get a clue to the meaning of the criminal trial before the Supreme Court of the nation. It is no common case of a Norse William giving a Celtic Donald a broken head. It is not Donald's head, but the head court of the Abbot of Rushen and the head court of the nation, that are the real parties. The Bishop was put down when Hawley M'Isaac was condemned. The Abbot is to be put down in the person of William M'Aulay. William has resented the intrusion of Henry Byron into the sanctuary of the Abbot's head court, just as Hawley had fought against John Walton for setting his judgment-seat within the Church of St. Michael. Popery was the old Tory, and wielded the law of prowess against the dissenters, Lollards, and reformers, who were introducing the new-fangled changes of law, and indictments, and inquests, and especially of lawyers intruding within the church and head court of the Bishop and Abbot. But the sticklers for old abuses were now considerably weakened. The Bishop's champion, Hawley, in 1422, had attempted the life of the Lieutenant himself. The Abbot's bully, William, "down felled to the ground" one of the Lieutenant's jurors. Hawley, at Reneurling, boldly denied guilt, and defied the King himself. William, at Rushen, at once "answered and acknowledged himself guilty, and put him into the Lordes grace."

By adjudicating in this case, the national representatives sanctioned and established the right of the civil power to sit in the head court of the Abbot of Rushen, and thus, as the power of the secular clergy of Rome had been put under national law in the case of the Bishop, so the power of the regular or monastic clergy was now subdued in the person and court of the Abbot of Rushen.

William having confessed his guilt, and the Court being thus saved the trouble of taking evidence, proceeded at once to pronounce sentence. In doing this, two principles of great importance were evolved:—(1) That the law was to be declared by the authorised expositors of the Breast Law of Man. (2) That in place of the Popish sanctuaries, taken possession of by the functionaries of the nation, a legal sanctuary was to be established.

(1) "And the Lieutenant asked the Deemsters what the law would of him that so did." Neither the King, the Lieutenant, nor the National Court made laws; far less did they despotically pass sentences that did not proceed on acknowledged law. Sir John Stanley had solemnly sanctioned the right of the Manx nation to be governed by their own native and ancient laws—"the constitution of old time,

by which he (and they) should be governed." The distinguishing peculiarity of Manx law is that it is breast law—that law referred to by the Apostle as the universal and divinely-sprung law of all the nations. (Rom. ii. 15.) But as the nation, in its collective capacity, must have one standard exposition of that law, by certain authorised expositors, this office was from time immemorial given to the Deemsters, assisted in cases of weight or difficulty by their twenty-four councillors, the eldest and worthiest men of the land of Man. These Deemsters and their council were not legislators, in our modern sense. They did not *make* new laws—statute Acts of Tynwald. They *declared* law as cases occurred; they told what was the law—the breast law—the equity—the real right and wrong of each case as it came before them. Accordingly, the Lieutenant of Man, president of the national representatives, acting as the Supreme Criminal Court, "asked the Deemsters what the law would of him" (William) "that so did!"

"And the Deemsters, by the councill of the eldest and worthiest of all the land of Man,—that is to witt, of Willm. Scarffe, Wm. Yveno, John Reade, John Qualtrough, Gubbon Quanly, Gubon M'Isacke, Willm. M'Alexander, &c., say,—forasmuch as the said Willm. smote the said Donald, as it is known by the said Willm., that the same Willm., for so doing forfeiteth his body and goods, and toucheth treason, forasmuch as offendeth, as it is said before, in the time of the visitation of the King of Man, which he granteth to his Barons, to be executed twice in the year within their franchises, by his Deemsters to be holden."

Having thus declared and applied breast law to William's case, the Deemsters and their Council of twenty-four were publicly asked the law regarding three other supposable, and, at that time, no doubt, common cases, and they gave forth the law in a manner calculated and intended to set up the dominion of law and order over violence and fraud, heathen and papal.

(2.) The second principle of great importance which those proceedings evolved, was the determination of King Stanley to substitute a legal sanctuary, in place of the Papal sanctuary demolished by the national power.

This is a principle of world-wide and perpetual value. It is not enough to forbid evil; good must take its place. The lodging of one dislodged unclean spirit, if left empty, is taken possession of by seven spirits more wicked than the first, and the last end is worse than the beginning. A negative reformation will not last. Luther's negative reformation from Popery has not delivered mankind. We must have a positive, active, constructive, operative reformation, and not merely a verbal, destructive, protesting one.

Sir John Stanley had begun by invading the Popish sanctuaries, fenced by claims of the Barons to protect all criminals and fugitives from his law and justice. He forced the Barons to yield up those pretended rights, and to accept from him "franchises," to be visited twice a year by the Deemsters or Lieutenant, who, instead of priestly courts administering canon law, should, as representing the King's person, hold courts under the law of the land. This arrangement, which continues in substance to this day, was finally settled by the representative court of all the commons of Man.

These courts of Lieutenant and Deemsters were fenced round by most stringent penalties of treason and felony. As the Papal sanctuaries had been guarded round by excommunication and the spiritual sword, so the civic sanctuaries of national law, government, and justice were guarded by the temporal sword, and made venerable and awful in the minds of the people.

Thus a system of righteous law took the place of a system of perverted religion, and has kept its place until now. It remains that a system of living and true religion come and take a higher position than either, and that the precepts of breast law be renovated, sanctioned, enforced and carried into universal execution by the might of the Gospel and the Spirit of the living God."

9. Having finished its work as the Legislature and the supreme Criminal Court of the nation, the representatives of all the commons of Man proceeded to their ecclesiastical duties. They assumed their rightful position at the head of the nation, both as a church and as a state, for Byzantine dualism was no part of "the ould constitution of the land of Man." They represented and governed the whole Manx family, and took cognizance of the family chaplains, as well as of the family teachers, and lawyers, and other servants. They did not admit a divine right in the chaplains to reign over the house, or to make a separate chamber for themselves which should issue laws to govern the rest of the national house.

The great panacea of the fourteenth and fifteenth centuries was the convocation of a General Council. The appeal of Luther and the Protestants was to a General Council; and this is our present legal standing, according to the constitution of the European organization. Under the protest of 1529, at the Diet of Spires, we appeal to the Emperor or to a General Council. The greatest effort ever made to act upon this theory of the supremacy of a General Council took place A.D. 1414—1418, when the Council of Constance was assembled to heal the diseases of the Catholic Church. This council degraded three Popes, and elected a new one, and thus practically asserted the supremacy of a General Council over an individual Pope. It is a splendid theory, that the whole body of the church should exert its united power to cure the diseases of the head; and it was the *beau ideal* theory in Europe, until it was found to be impracticable, and a provisional arrangement was fallen upon, by means of the great revolt under Luther. Count de Maistre and his Ultramontane brethren ridicule the Council of Constance, and the theory on which it was based. A General Council, they say, can be called only by an infallible Pope, and cannot exist separate from him; the moment, therefore, it sets itself against the Pope it ceases to exist. Despairing of any real cure within the Papal church, the Protestant portion of Europe has therefore protested and separated, and has constituted itself into anti-papal nations and churches,—waiting for the evolution of the true method of Christian organization of nations and mankind. In Sir John Stanley's age, the principles of Luther's age and ours were not current or practicable. He and his age had not abandoned hope of the internal self-cure of the Papal church. But he above all his contemporaries succeeded in carrying into effect the theory of the Council of Constance. He realised the supremacy of a General Council. He called a general assembly of his own portion

of the Catholic church. With his own one talent, he showed what might and ought to have been done with the ten European talents. The Manx general council placed the Manx Papal power, legally and constitutionally, under the authority of the Manx national church; the clergy of the Island were placed under the whole inhabitants of the Island, when assembled and represented in their capacity of Christian men and a church nation. Havelock was essentially as great a commander when a captain of sixty men as when delivering British India. Sir John Stanley had not Catholic Europe to deliver, but he delivered Catholic Man. This great statesman went a step beyond the jurists and canonists of Constance. Their general council was comprised of clergy,—his of laity; theirs of prelates and churchmen,—his of church members; they assembled the representatives of the clergy,—he those of the people. He was not only in advance of his own age but even of ours. We have as yet scarce reached in theory and idea his attainment—a court of all the Christian commons of Man. At this day England is filled with clamour for a clerical convocation; and the annual convocation of this Island is a mere clerical club meeting in private. It has no claim to catholicity or nationality. It locks out the people—the Christian commons. Possibly Bishop Wilson himself, who obtained in 1703 for his convocation the sanction of the Tynwald Court, would have shrunk in dismay from Sir John Stanley's court of all the commons of Man, preferring an inner chamber at Bishop's Court, filled by a few clergymen. The General Assembly of the national Church of Scotland, comprised of some two hundred elders and two hundred members, is a narrow exclusive body compared with Sir John Stanley's church court and representation of all the commons of Man. All honour to our large-hearted Manx Solomon!

The record of the ecclesiastical proceedings of the court of all the commons of Man contains some obscurities not easily elucidated. The text may have been corrupted, as the copies differ in several particulars. We will not, therefore, on this head, follow the letters quoted above, which have given a minute and careful analysis of the whole record. Suffice it to say, by way of general summary, that the national court reversed a decision of the Bishop's court, and, by so doing, asserted practically the supremacy of national law over canon law. The sentence reversed seems to have been a church censure upon certain persons who had refused to pay church dues until the Bishop had corrected certain episcopal abuses, in appropriating portions of land intended for the support of poor scholars. For this the Bishop's commissary had censured them. They had appealed to a court of all the commons,—being cordial supporters of the King's policy in opposition to the Bishop. By taking up their appeal it was decided that the Episcopal Court was reviewable by the elected representatives of the nation; that they claimed to be the highest court and authority in the insular church; and that they were prepared to co-operate with the King, and by their united authority and influence to establish the law of the land of Man as supreme over all Papal and episcopal acts, constitutions, and canons. A jury of twenty-four, selected partly from the Keys,

and other members of the representative court of the nation, and partly from other commoners, gave in a verdict that the men censured by the Bishop's commissary were "not guilty, and so the law acquitted them."

This was the top corner stone on the national erection by Sir John Stanley. The work of centuries was now legally overturned. The power of the nation was set above the power of the clergy, and this not by a sudden arbitrary exercise of physical force, but by a calm, deliberate, judicial exercise of national will, through a wise and constitutional national organization. It was not the mere act of the King,—it was the deed of the nation; and what the whole nation in its regular organization did, no authority beneath the nation could undo. Henceforth, therefore, be it known to all men, that it is the law of the land of Man, according to the constitution of old time, that priests are not supreme, that church law is inferior to national law, and that the supreme power in things sacred and temporal—in ecclesiastical and civil causes—is vested in the representatives of the nation, in the court of all the commons of Man, embracing as its constituent members the eldest and worthiest of all the land, chosen by free election. And thus Wycliffe's principles were—beyond what he dared speak or hope for—enthroned in embryo in the heart of the British Isles, while as yet his ashes, cast by Papal command into the waters, may have been tossing midst the waves that beat upon its rocky shores.

10. There has been no court of all the commons of Man for 430 years, from the days of Sir John Stanley until now. The principle of national government by representatives freely elected has during that period been ascending towards universal dominion. The Long Parliament of 1640, and the revolution convention of 1688, established its supremacy in England; in 1776 it seized the sceptre in America. The Reform Bill of 1832 extended it to Scotland, and the reformed Parliament has extended the same government to great and growing dependencies over the globe, which promise to constitute the confederation of the Anglo-Saxon family. But hitherto, in the heart of the British Isles, this principle of self government has remained undeveloped. The legislation of this Island is the product of a body neither elective like the House of Commons nor hereditary like the House of Lords, which has, under the shadow of names hoary with antiquity, guarded the position of the court of all the commons of Man, until the day of its resurrection. In prospect of that day, the inhabitants of this Island may feel it important to study the constitution of their last national Parliament, which contained a regulating and conservative principle peculiar to itself, and which struck down in its own realm the Papacy, and established an improvement of Anglican supremacy in church and state.

The British Museum copy enables us to give three distinct catalogues of the members of the court of all the commons of Man, and of each of the two committees or juries,—the former to decide the criminal law in the case of the Abbot of Rushen, the other to decide the ecclesiastical law in the case of the Bishop of Sodor and Man.

MEMBERS OF THE COURT
OF ALL
THE COMMONS OF MAN.

Rushen.

William Skerffe.
William of Ibeno.
John Read.
John Nelson, 2
Jenkin MacQualtrough.
Jenkin MacKitlippe.

Glenfaba.

Finlowe MacKey.
Gybbon MacQuantie.
Patrick MacJohn, 1 2
Andro Jenkin Lucasone.
Duncan MacSheman.
Neven MacQuain.

Kirke Michell.

Gybbon MacKissacke.
Willm. MacAlexander.
Richard MacGawne, 2
Donald MacGawne.
Gilchrist MacCormish.

* * *

The Are.

Gibbon MacGillanders.
Dermot MacWillm.
Gibbon Murghsone Taylor.
Simond MacFaite.
Patrick M'MacKerd, 2
Michell MacComis.

The Garffe.

Thomas MacCorkill.
Hugh MacNaykill.
William Abelson.
Doman Abelson, 1
William MacCasmond.
John Finlonson.

The Middell.

Hugh MacMaa, 2
Patrick MacHelly.
Gibbon MacPerson.
John MacCanne, 2
Michell MacGibbon, 2
Gibbon Dickeson, Yr., 2

ELDEST AND WORTHIEST
OF ALL
THE LAND OF MAN.

William Skerffe, 1 2
William of Ibeno, 1 2
John Read, 1 2

John Qualthrough, 2

Gybbone MacQuantie, 1 2

Gibbon MacKissacke, 1 2
William MacAlexander, 1 2

Gybbon MacGillander, 1 2

Thomas MacCorkyll, 2
Hughe MacNaikell, 1 2
William Abelson, 1 2

Willm. MacCasmond, 2
John Finlonson, 2

Hugh MacQuay.
Patricke MacHellie, 1 2

Willm MacFaill, of Glenloght.

INQUEST OF TWENTY-FOUR
CALLED
AND SWORNE.

William of Ibeno.

John MacQualtrough.

Gybbon MacKissacke.
William MacAlexander.

Gibbon MacGillander.

Gibbon Morgheston.

Hugh MacNakill.
Willm. Abelson.

Willm. MacCasmond.
John Finlonson.

Hugh MacQuay.

John Graghson.
John Germote.
Donald MacGilcockum.
Anley MacKissacke.
John MacPerson.
Gybbon MacTaggart.
Apeke MacNeyll.
Donold MacAlexander.
John Stevenson.
Michael Corrowane.
Gybbon MacGylle.
Morrishe MacQualtrough.
Donold MacCarrane.

(1) Signed Indenture of 1417. (2) Were Members of Court in 1429.

NOTE 6.—SUBSEQUENT INFLUENCES ADVERSE TO SIR JOHN STANLEY'S LEGISLATION.

The four centuries since Sir John Stanley are divided into two equal portions by the legislation of the seventh earl of Derby. His laws and the letter referring to them are printed in our text. Before considering his proceedings we may advert to the history of Manx Legislation during the two centuries from Sir John to his time. During that period there were seven Kings and twelve Bishops of Man. The Stanleys in these centuries reached the highest positions in England. They ended the great civil wars of the Roses by turning the tide of the battle of Bosworth against Richard III., and by placing the crown on Henry VII. on the field of battle. By marriage they became allied to the Royal family, entertained the King right royally for a fortnight at a time, by wealth and magnificence headed the Peerage, their establishment being dignified by the name of this Northern Court. The Isle of Man was therefore undervalued and neglected, and the title of king disused. None of the Stanleys took up the legislative mantle of Sir John. The priestly influence was in the ascendant. The supreme court of the nation which had established his laws was never again summoned to meet, and therefore Sir John's laws were not and could not be constitutionally abrogated, but they were not and could not be actively executed in opposition to the priesthood. It was then that divergence between the constitution of the Island and the actual administration began to run its long tortuous and hurtful course. A consistent and homogeneous system cannot be carried out until Sir John Stanley's constitution, after full examination, be made the basis of national procedure by a national authority duly constituted.

Sir John Stanley's son and successor commenced the course of divergence from his father's constitution. His immediate promotion to the Lord Lieutenancy of Ireland proved that he was in greater favour with the higher powers than his anti-priestly father. His high employments left him no time for active interest in Manx policy. Amid the troubles from the imbecility of Henry VI., Sir Thomas adhered to the party of the Cardinal Beaufort. To please that dire churchman who presided at the burning of the Maid of Orleans, and who complained against Duke Humphrey of Gloster, Protector of the Kingdom,

"The Commons hast thou rack'd; the clergy's bags
Are lank and lean with thy extortion."

Stanley is represented by Shakespeare, who in mistake calls him by the honoured name of his father and grandfather, Sir John, as having become the gaoler of the unhappy Duchess of Gloster.

King Henry.—"Stand forth, Dame Eleanor Cobham, Gloster's wife,

In sight of God and us your guilt is great.
Receive the sentence of the law for sins
Such as by God's book are adjudged to death.
You, madam, for you are more nobly born,
Despoiled of your honour in your life,
Shall, after three days' open penance done,
Live in your country here in banishment,
With Sir John Stanley, in the Isle of Man."

When the good Duke of Gloucester was murdered, as generally believed by the Cardinal's orders, Stanley being then comptroller of the King's household, obtained with others a grant of all his goods and chattels, with power to dispose of them without account. The great offices he filled proved that he kept on the best terms with the priestly influence then prevailing, and among the last acts of his life was one of allegiance to the church, shewing him to have been as different from his father as the sons of Wilberforce in our day from their Evangelical father.

BULL OF POPE CALISTUS UNITING THE CHURCH OF SODOR TO THAT OF YORK.

"Acts upon the exhibition of Apostolic letters.

"It is to be noted that on the 18th day of the month of February, in the year of our Lord 1458, Thomas, Bishop elect of the church of Sodor, exhibited at London a certain Bull, written below, sealed according to the custom of the Court of Rome, safe and sound, and in no part doubtful, to the aforesaid most reverend father in Christ, the Archbishop of York; being present Thomas Stanley, Lord of Stanley, and William Stanley his brother, and William Brand, notary public, &c.

"Bull that the Cathedral Church of Sodor in Man is Suffragan to the Church of York.

"Calistus Bishop, servant of the servants of God, to the venerable brother, the Archbishop of York, Greeting and Apostolic benediction. It adds to the amount of your honor and fame, if you advance ecclesiastical personages, especially those endowed with Pontifical dignity by the intuition of Divine propitiation, and by the assistance of opportune favour. At the present time, moreover, concerning the person of our beloved son Thomas, the elect of the Church of Sodor, through the death of Thomas Burton of happy memory, deceased beyond the Court of Rome, late Bishop of Sodor, at this time devoid of the comfort of a pastor, and hitherto reserved for Apostolic appointment, with the consent of our brethren we have by Apostolic authority chosen and appointed him to act as Bishop and pastor; fully committing the care, ordering, and government of that church to him, both in spiritual and temporal matters, as is more fully contained in our letters drawn up to that effect. Since, therefore, that the said elect may the more readily profit in the care of the aforesaid church committed to him, it will be most serviceable that your favour towards him be known; we implore and diligently exhort your brotherhood, commanding you by our Apostolic writings that having the aforesaid elect, together with the aforesaid church, entrusted to him as your Suffragan, for the sake of reverence to us and the Apostolic See most particularly recommended to increase and preserve their rights, that you should so support them with the assistance of your favour, that the elect, relying on your aid, may be able more usefully to exert himself in the government of the said church committed to him, and that you by the mercy of God may be able thereby to be more fully promoted. Given at Rome, at St. Peter's, in the year of the incarnation of our Lord 1458, on the 11th of the Calends of July, in the fourth year of our Pontificate."

At the accession of Thomas, the second Earl of Derby, an effort was made to set aside the antipapal constitution of Sir John Stanley by means of a charter to Bishop Huan, signed by the Lord of Man, of date 1505. The reformation was then in its cradle. Luther entered the Augustinean convent at Erfurt, and the apostle of Scotland, John Knox, was born in that year. The charter to Bishop Huan confirmed all the ancient grants of the Manx Kings, together with recent, acquisitions to the Bishopric. The protest and reservation inserted in Sir John Stanley's confirmation could of course find no place in Bishop Huan's charter. It was the first year of Earl Thomas's reign, when as yet he was inexperienced, that the shrewd prelate obtained his signature. Bishop Huan's charter and the Abbot of Rushen's appointment as Governor of the Island, promised to Manx Papacy a new lease of power. We are told by Seacombe, the family historian of the House of Derby, that Earl Thomas, at his death in 1521, "left his young son Edward under the care and ward of the most hopeful and promising trustees, being no less than nine ecclesiastics and four lay gentlemen; by which he judged sufficient security was provided for his son's right and the preservation of the immense estate he had left him." Bishop Huan and Cardinal Wolsey, then Archbishop of York, were the chief trustees. "No sooner was the said noble lord laid at rest but the most dignified of his choice (whom the world might justly have expected the most consummate justice and rectitude from) immediately made himself friend of the mammon of unrighteousness, and instead of fulfilling the trust reposed in him, took care to divest his young pupil of his just rights by securing to himself several large manors in the county of Lincoln and elsewhere, which the Earl his father had held of the crown by lease for life; which expiring on his death, the good and pious cardinal wisely took the opportunity of his ward's minority to procure grants thereof to himself." This brings to my mind an old maxim in the economy of life, viz., he "He that trusteth to a lord for his honour, and to a priest for his charity, is in danger of being deceived by the first and starved by the latter;" the verity whereof the noble lord before-mentioned had an ample specimen of in both characters, in the person of Cardinal Wolsey, Archbishop of York and Lord Chancellor of England, his most worthy trustee.

In the nineteenth of Henry VIII., this young lord being then of age, was one of the principal persons appointed to attend the same Cardinal Wolsey in that remarkable mission to Francis, King of France, then at Amiens, touching the making a war on Italy to set Pope Clement VII. at liberty, at that time a prisoner to the Duke of Bourbon, upon the sacking of Rome.

In the twenty-second of Henry VIII., being then living on his lands, he was one of those noble peers that subscribed that memorable letter or declaration to the same Pope Clement VII., representing that having for a long time expected his answer concerning the king's marriage, they were obliged to repeat their request, although the justice of the cause and the approbation of the learned of the most celebrated universities of Europe were sufficient without any entreaties to pre-

vail on his holiness to confirm the sentence of divorce from Queen Catherine, which King Henry then desired. And if he should refuse, his supremacy in England would be in great danger; and that they could make no other construction of it but that they were left to seek their remedy elsewhere. In twenty-fourth of Henry VIII., on the coronation of Queen Anne Bullen, he in his own barge attended her from Greenwich, on which occasion he, with the Marquis of Dorset, were made knights of the bath. After that ceremony was over he was cup-bearer to that Queen.

This Earl reigned for fifty-one years over the Isle of Man. Robbed by Wolsey and adhering to Henry in his quarrel with the Pope, he was in heart no friend of the Papacy; although he was afterwards in equal favour with Edward, Mary, Philip of Spain, and Elizabeth. Under him the Manx commons were encouraged to raise their heads again in protest against the exactions of the clergy. Immediately after the fall of Wolsey, in 1530, a commission was issued by the Earl of Derby, which led to an indenture, signed in 1532, between the Bishop and all the clergy and spirituality of the one part, and two men from each sheading on the other part, to decide the great variance and controversy between the clergy and temporal inhabitants and commonality respecting mortuaries and other clerical claims. The original of this indenture is still preserved in Castle Rushen. It is a constitutional measure following up the measures of Sir John Stanley. In it we see the whole community of the Isle of Man ranged in a legal and constitutional attitude of opposition to the exactions of the spirituality or priesthood. This isolation of the spirituality from the body of the inhabitants weakened the real power of the Church of Rome, and rendered the introduction of the reformed worship and doctrine a few years afterwards the more easy and popular. In this commission and indenture the Earl of Derby assumed substantially the position in which Sir John Stanley had constitutionally placed the Lord of Man, as the metropolitan and head of the church as well as of the state. Bishop Huan's charter could not alter that constitution, Sir John Stanley having fortified his work by the great national assembly at a court of all the commons of Man, and so soon as the fall of Wolsey had freed them from external force, the Deemsters, Keys, and Commonality recurred to this constitutional foundation, and by the indenture of 1532 built further upon it. The strenuous efforts of Huan, Wolsey, &c., to upset the work of Sir John Stanley, show how difficult and important a work against the power of Rome he had effected. Had he put down the Papacy by his own despotic power, Bishop Huan could have rebuilt it by influence with the two Earls Thomas and Edward. But the Commons, with the Deemsters and Keys, were entrenched behind such constitutional bulwarks as neither the Kings nor the Bishops could overturn. And therefore the Bishop and clergy of Man were totally powerless to resist the alteration of doctrinal articles and rites of worship which Earls Edward and Henry, between 1521 and 1594, following the edicts of Henry VIII., Edward VI., and Elizabeth, introduced into the Isle of Man. So easy and natural were these changes that they needed no insular laws to effect

them. Popular and constitutional tendencies had prepared a welcome for them, and the earliest and only notices of the Reformation in the Manx statute book are in 1594, when the Tynwald Court delivered to the Vicars-General the following "articles to be enquired of at the next Consistory Court to be holden within this Isle : 1st That they impanel in the several Sheadings jurors to enquire into all offences committed against the spiritual laws. Itm. : that they take order the Queen's Majesty's injunctions be read in their churches. Itm. : That they enquire of and present all such as carry bells or banners before the dead, or pray upon the graves of the dead. Itm. : That they inquire and present, if there be any person or persons within this Isle that refuse to come to church to hear divine service, or to receive the blessed Sacrament of the Lord's Supper."

These actions of the Tynwald and Vicars-General shew that the external reformation of the Manx church in doctrine and worship was a mere affair of detail and arrangement. The principle had been settled a century before by Sir John Stanley—he had laboured and his successors entered into his labours. The priestly power having been broken by him, priestly practices were easily altered and repealed to order. Accordingly, in 1610, "it was agreed unto by the Lieutenant, Officers, Deemsters, and twenty-four Keys, that all fairs and markets shall be transferred till Monday, as often as the fair-day shall fall out upon the Lord's Day, and [this] to be proclaimed at the next Tynwald. And it is by general consent of the Lieutenant, officers, Deemster, and twenty-four Keys of this Isle enacted for law, that henceforth the children of all ecclesiastical persons in this Isle begotten in marriage shall be and continue legitimate and inheritable to all intents and purposes in such sort as children of lay persons be within the said Isle. And it is by general consent, as aforesaid proclaimed, that as often as any man or woman shall be found drunk hereafter, the party so offending, if not of ability to pay a fine, shall, for the first time, be punished in the stocks ; the second time be tied to the whipping stocks ; and third time be whipped thereon."

The Manx church was tacitly modified after the example of the English church. In 1541 the two Deemsters and twenty-four Keys declared "that they found by their oaths that my Lord is metropolitan and chief of Holy Church, and that the Bishop shall do nothing but at my Lord's pleasure." This corollary from Sir John Stanley's proceedings gave legality to every ecclesiastical change which the Lord of the Isle might order. There was not sufficient public spirit or independence to demand that the great example of Sir John Stanley should be followed by convening the court of all the Commons of Man. Henry VIII. having been declared by Act of Parliament the head of the Church of England, stretched his power as such over Man by dissolving the monastery of Rushen and secularizing its revenues. If the English Parliament was then passive in Henry VIII's hands much more would the court of all the Commons have been in the hands of Henry of Man. It was better, therefore, that the responsibility of all these steps was taken by the Lord and his officers, and that the Manx people were not involved in them. Earl Henry was most active in putting down Popery under

Elizabeth, and we must infer that he was equally active in Man. Sir John Stanley effected his dynastic and constitutional reformation by means of the Commons of Man. The ecclesiastical changes of the 16th century were not the direct work of the Commons, but rather of the Lords and their officers. When the court of all the commons again convene they will have to revise and improve the work of the 16th century—after the example of Sir John Stanley in the 15th century. The reformation of the 15th century in this Island was *ab intra*; that of the 16th *ab extra*. The former, one of principle; the latter, one of detail. The former came from the heart of the nation; the latter from the interest of the rulers. The former was orderly, constitutional, peaceful, healthful; the latter, arbitrary, abnormal, and, as Sacheverell declares, “devouring.” Will the 19th century correct the faults of the 16th, by building upon the foundation and filling up the plan of the 15th century?

NOTE 7.—ON THE TEXT OF SIR JOHN STANLEY'S ACTS.

The originals of two of Sir John Stanley's earliest documents are preserved in Castle Rushen. It is not known at what time the other originals disappeared. There are several old M.S. copies in Castle Rushen, none of which seem much older than 1627, when the seventh Earl took the reins of government. It is from these copies that the printed text of the Manx Statutes was taken by the Royal Commissioners in 1791, Mr. Briscoe in 1797, Mr. Jefferson in 1819, and Mr. Mills in 1820. There must have been in England copies of the written laws of the Isle of Man, previous to 1627. Sir Edward Coke, Lord Chief Justice of the King's Bench in the reign of James I., who was born in 1549 and died in 1634, refers at some length, in his Institutes of the Laws of England, to the Isle of Man as an ancient kingdom, and, though he does not quote from them, must be supposed to have seen the Manx Laws. In 1522 the widow of Thomas, second Earl of Derby, appealed to King Henry VIII. to be allowed a dowry out of her husband's estate, it was found by the King's Council that the Isle of Man being no part of England, and not being governed by English laws, it was out of the power of Chancery to interfere in her behalf by granting her a dowry out of the revenues of the Island. In such a case as that, it is hard to conceive that no copies of the Manx laws were laid before the English judges and council. The great law plea before the English Council and Parliament, between the heirs general and the heirs male of Ferdinando, the fifth Earl, as to their respective rights to the Isle of Man, must have led English statesmen and lawyers to examine the laws of the Island. Queen Elizabeth took the Island into her immediate charge, and James I., less friendly to the House of Derby, gave a lease of the Island to the Earls of Salisbury and Suffolk. These proceedings were terminated by an Act of Parliament, 1610, assuring and establishing the Isle of Man unalienably in the name and blood of William, Earl of Derby. It was about this time most probably that the original text of Sir John Stanley's proceedings was revised and copied, under the eye of Deemster Thomas Sansbury, who for many years, during that unsettled time,

held judicial office in the Island. Randolph Stanley, captain of the Isle in 1594, stated to the Deemsters and Keys that he found, upon perusal of their laws, such repugnance that he could not resolve which of them standeth in force. "I find in the Book of your Laws, delivered to me by the Deemster Sansbury, these two laws," &c., referring to laws of Sir John Stanley.

It was the 9th of October, 1859, that a copy of the earliest Manx laws was shown to me in the British Museum. On examination I observed that the text was different from all the copies in Castle Rushen, that it was evidently a more ancient text, and that most of its various readings seemed by internal evidence to be better than those in the printed copies. Mr. Sim, the officer in charge of the M.S. department of the British Museum, wrote me subsequently, "I cannot glean any information respecting the M.S. from which the copy was made. It is not an official document, as no signatures are attached. The volume contains a great many state and other papers, chiefly in the handwriting of Ralph Starkey, who died in Bloomsbury, Oct., 1628. The Statutes are by his hand, but whence copied there is no note to show." The inferences from a careful comparison of the printed and M.S. texts are the following :—(1) The differences are numerous and important. (2) Not a few of them must have resulted from intentional alterations of the original text. (3) The M.S. was written by a scribe who did not understand Manx affairs, and his errors seem those of ignorance and carelessness. (4) The printed text seems to have alterations resulting from design. (5) The M.S. text has not been altered as the printed has been, to suit the changes of the Reformation and of legal procedure. (6) A document of some length, printed in page 27 of Mill's, bears date in the printed text A.D. 1419,—in Sir John Stanley's time. The M.S. dates it A.D. 1499. Internal evidence decides in favour of the M.S. (7) The M.S. does not include the additions made in 1610, the period about which the Castle Rushen text was probably altered. (8) There is no direct evidence to bring home to the seventh Earl of Derby these alterations of the Island records. (9) It need not be added that no authority could rightfully and knowingly alter the words of the original records of the Manx kingdom. (10) To point out all the specific differences between the two texts is rather the duty of the Editor of a new edition of the Manx Statute Book, than of the Editor of the present publication. He has laid before the Manx public materials for the formation of a sound public opinion on the subject. After carefully collating the M.S. with Mills' printed text, Mr. Sim, of the British Museum, writes as follows :—"I think the Society ought to reprint the statutes in the orthography furnished by the manuscripts because I consider the printed text is a garbled one and not a genuine copy from any MS. authority. I think it has been modernized and I am sure that the transcriber could not decypher many readings in the original. The corrections will show this."

NOTE 8.—LEGISLATION OF THE SEVENTH EARL OF DERBY.

Paternal government reflects the personal qualities of the ruler : wisdom, love,

and vigour produce the highest species of patriarchalism ; force, fraud, and folly sink down to anarchy and despotism. The natural development of family government is through the successive stages of monarchy, aristocracy, and democracy. Over infants there must be autocracy, a despotism ; grown up children are admitted to a kind of partnership of charge and authority ; and an aged father is happy to receive kind democratic deference from his self-supporting descendants. The old Roman law interfered with this natural development, and reduced all the members of the Roman family to the lifelong relation of slaves to the husband, father, and master. Based on the law of nature, Bible Law began in the infancy of mankind and of the church with Old Testament despotism, advanced ever towards regulated liberty under the New Testament aristocracy, and tends finally towards patriarchal democracy.

The legislation of Sir John Stanley, and that of his descendant, the seventh Earl of Derby, present specimens of the two opposite classes, Bible and Roman law. The feudal autocracy of Sir John prepared his subjects for New Testament liberty. The aristocratic Earl used his power to drive back towards Roman despotism. We have seen the successive steps of Sir John Stanley to lead his nation from the spiritual despotism of Rome towards a constitutional patriarchalism. The Earl pursued an opposite course.

His personal qualities tended in an anti-democratic direction. His mother, grand-daughter of Queen Elizabeth's prime minister Cecil, Lord Burleigh, and married to a second son of a wandering unaristocratic disposition, had to avail herself of all the interest of her high connections to secure as much as possible of the Derby estate from the powerful husbands of the co-heiresses of the elder brother Ferdinando. Inheriting the subtlety and talents of the Cecils and Stanleys, brought up amidst the legal and pecuniary trials of the great law suit, and called into Parliament in early life, Earl James, the opposite of his father, was prepared to stand by his order. The governmental pendulum of England was not then directed by an Edward III. The Stuarts had the spirit if not the blood of Italian Inquisitors. Doing their utmost to arrest the natural tendencies of England towards self-government, unable to arrest and incapable of learning to guide the course of Christian development, they were hurled from the British throne. Earl James, as was natural, took part with the Stuart. Strafford was his near neighbour and family connection ; the man that was able and willing to make the crown of England absolute as Cardinals Richelieu and Mazarine had then made the crown of France, if he had not been opposed to a Protestant nation and betrayed by an anti-protestant king. Charles, who wished to enslave England, was himself in effect a slave. He adhered to the policy of his father, who had stated that "if the pope would but make one step in advance, he, on his part, would make four to meet him." Charles himself had promised Pope Gregory XV. that he would never take hostile measures against the Roman church, and in espousing a popish Queen had engaged that "the first education of all the children of this marriage was to be directed by her, nor was their right of succession to

the throne to be rendered doubtful even were they to remain Catholic." In 1623 King James engaged solemnly and by oath to maintain these articles. In 1627 the Huguenots of France had their power finally crushed in the taking of Rochelle by Richelieu. Wallenstein had devastated Protestant Germany. All seemed ready for Papal triumph and reascendancy, when the Pope quarrelled with Austria, his chief secular support, and Gustavus Adolphus restored by war the fallen fortunes of Protestantism. "It was only in England," writes Ranke, "that Catholicism seemed at times on the point of gaining admission. Ambassadors from the English Court were at this time to be found in Rome, and Papal agents in England. The Queen—to whom a sort of official recognition was accorded at Rome (nomination of cardinals had been conceded to her)—possessed an influence over her husband likely to extend even to religion. An approach had already been made in many of the church ceremonies to the usages of Catholicism. * * But the slight approaches which Charles I. permitted himself to make to the Catholic ritual were decisive of his ruin. It seemed as if the violent excitement which had produced such long-continued, unremitting, and universal conflicts in the Protestant world at large had become concentrated in the English Puritans. In the aristocracy and commons of England a regular power was formed and matured, the rise of which marked a revival of protestantism throughout Europe." *Ranke's History of the Popes*, vol. ii., p. 290.

Queen Henrietta, agent of Pope Urban VIII. and Cardinal Richelieu, and surrounded by French priests, was, of course, hostile to her able countrywoman, the Huguenot Charlotte of Tremouille, wife of Earl James. Consequently, able and willing as the Earl was to give the most effective aid to Charles I., when he took up arms against the Parliament, the Queen's influence wrongfully displaced him from his high military commands and sent him into honourable banishment to the Isle of Man.

Though removed by double the distance of time from the age of Sir John Stanley, our age can better than that of the Earl sympathise with his. What fellowship had Laud with Wycliffe? There were two centuries between the second Stanley and the seventh Earl. And they looked different ways. The one a disciple of progress, the other of reaction. The Earl betrays no acquaintance with his ancestor, or with the spirit in which he founded the written laws and constitution of the Island. And the men of our century are far more able to build up the unfinished work of the Wycliffite statesman than was the Laudean Earl, if even he had been willing. His will was determined in the opposite direction. Compelled to quit the field of battle between despotism and democracy, between pro-papal and anti-papal principles, he prided himself on securing in Man victory for the cause that was defeated in England,—and for this he has been called the great Earl of Derby. His letter is a very curious and instructive document, and casts a glare of light on the principles of his legislation. The course of his legislation was as inferior to that of Sir John Stanley as Laud was to Wycliffe, and as the Stuart kings were to the Plantagenets. Avowed enemy to

the Puritans, and martyr for a despotic king, his legislative measures were in favour of despotism and oligarchy, and were opposite to those which Sir John Stanley carried out towards the church and the commons. These assertions as to his legislation we proceed to prove.

It is evident from his letter that after he got charge of the Island in 1627, until his death in 1651, he himself was the presiding genius, and that none of his officers regulated his measures. No other could claim the merit or demerit of them. He was his own lawyer. The same principles which made him so devoted to Charles I., in upholding the political measures of Strafford and the ecclesiastical measures of Archbishop Laud were fully developed in his own little kingdom. He honestly believed that the Puritan movement, which arrested in Britain the despotism of the Crown, and in Europe the re-ascendancy of the Pope, resulted from "a general plague of madness, which by the will of God possessed the minds of most men in Christendom, in 1643." As the remedy for this universal madness he supported extreme monarchical principles in the state, along with the highest episcopal claims in the church. Looking through the coloured glass of such principles, he esteemed Charles I. "as the most virtuous, pious, and clement prince that ever England had;" and when on the scaffold he declared, "I confess I do love monarchy, and I love my master Charles II. I do believe and assure you he is for his age the most godly, virtuous, valiant, and the most discreet prince that I know this day." We can at best but pity his blindness that could think so of the two Charleses. A tyrant could scarce enact more severe laws than his first and last ones; the first treated trifling offences as capital crimes, and the last punished any defamatory words against any one of thirty officials with heavy fines and cutting off the ears. He treated his subjects as if he were the keeper of a lunatic asylum. Madmen must be coerced by superior force, and overmatched by superior skill; and therefore, viewing the Islanders as partaking of "the universal madness then pervading Christendom," he tells us how he met them with craft superior to their own; amused them with rumours; sent spies among them to divide and mislead; sent away, fined, and imprisoned their leaders; induced them to choose himself as sole umpire in their complaints against the clergy and officials, and thus succeeded in allaying the Island madness,—in chaining down the wild beasts. The whole course of his legislation is marked by despotic tendencies. He assumed the right of issuing orders and ordinances without consulting the Island authorities, and, like Louis Napoleon, reduced the national legislature to entire dependence on his will, so that they approached him as petitioners not as councillors, to receive orders not to give advice, much less to have a veto on his proceedings. His son Charles, to whom his letter is addressed, so far profited by his advice as to insist that the Deemsters and Keys were dismissable at his pleasure.

Next to despotism he favoured oligarchy. This he found in the Island, but he confirmed it. The court of all the commons not having been summoned, and the Earls being occupied with their English affairs, the government since Sir John

Stanley's days had naturally fallen into the hands of the Deemsters, Keys, and Clerk of the Rolls, &c. Each new Governor felt himself obliged to take directions from these resident native officials. The Tynwald Court, composed of these officials, had acted as the supreme legislature of the Island, in the absence of the annual national assembly. But not until the seventh Earl were these officials styled *representatives*. Sir John Stanley, in his contest with Papal despotism had, in conformity with the fundamental constitutions of the Celtic peoples, appealed to the collective clan, sept, homage, or nation. The Earl dared not take that step, amidst "the general plague of madness," with the Long Parliament and the fate of his master before his eyes. Neither did he dare to follow the fatal example of Charles, in attempting to govern without a Parliament. The middle course was easy and tempting. He declared the Tynwald Court to be the Parliament, and the twenty-four Keys to be the representatives of the Island and of the inhabitants.

As this innovation has since his day retained its place in the Island, we may trace the steps by which he so successfully introduced it. In Sir John Stanley's day the function of the Deemsters and Keys was not to make, but to declare the law. He "asked of his Deemsters and the 24 the law of Man of the points underneath written, to the which the Deemster with the 24, give for law that these be the points of your prerogative." As the twelve judges of England are still called on great occasions to declare the law for the guidance of one or other of the branches of the legislature, but by no means to legislate or make new laws; in like manner the two judges of Man, with their council of 24 elders the worthiest of the land, were called to declare the old and existing laws of Man, but by no means to make new laws. As judges, they applied the old law to new circumstances and cases. Gradually the distinction between declaring the old and making new laws was overlooked, and before the time of this Earl the Tynwald judges had constituted themselves into Tynwald legislators. His first legislative enactment tacitly admits legislative rights in the Tynwald judges,—p. 105. His second step was to claim independent legislative rights as vesting in himself,—p. 106. His third step was taken in 1637. It was a month before the despotic measures of Charles I. were resisted and overthrown by the Covenanters of Scotland, the tumult against the reading of the liturgy in St. Giles's, Edinburgh, which was the commencement of the civil war that sent Charles to the block, took place on the 23rd July, 1637. On the 24th June that year the high Legislative style adopted by the Lord of Man was as follows: "At a Tynwald Court holden in the Isle of Mann, on the 24th day of June, in the year of our Lord God 1637, it was enacted, established, and confirmed by the sovereign liege lord of the Island, James, Lord Strange, and by the Barrons, 24 Keys, Commons and Inhabitants of the said Island, assembled at the Court, as followeth," &c.

Like his master, then in the brief triumph of Strafford's and Laud's policy, Earl James claims the highest kingly rights—"Sovereign Liege Lord of the Island;" and shows his mediæval reactionary views by re-introducing Barons to

the Tynwald, as Charles was then re-establishing Scottish Bishops in Papal power. In imitation of Sir John Stanley's national court, he introduces Commons and Inhabitants, but only in name; he never contemplated allowing them any other standing in the Tynwald Court than standing room as spectators and passive approvers. But the main point in this style of the Tynwald Court is the undoubting assumption that it has the fullest right of legislation for the Manx nation without any direct delegation from the inhabitants.

His fourth legislative movement shows the entire change of the Imperial chess-board. Five years had entirely altered the relative position of all parties. The King and the long Parliament had been for more than a year in mortal conflict, although Cromwell not yet having taken the command, and Hampden being slain, the scales of war seemed equally poised. Earl James, hating the Parliamentary party, suspected by the Queen's Papal junto that ruled the royal party, and banished to the Isle of Man, finds himself face to face with his own subjects, ready to follow the leadership of ex-governor Christian towards Puritan and Parliamentary reforms, and the old irritations and clerical claims rousing the spirit that four centuries before had expelled Bishop Marcus. His letter to his son, written about this crisis, shows us the profound policy of his teacher Machiavel employed in restoring the sway of the Stanleys by the craft of the Cecils. Had he been King of England instead of Mona, where would have been the victories of Parliament and Oliver Cromwell then, and the civil and religious liberties of Britain now? But confining our attention to the forms and meaning of his legislative steps, we observe from his letter that he held four meetings with the people, the first in the heart of the country, the second at Castle Rushen, the third at Peel, and the fourth at Castle Rushen. It is to the last two that the Statute Book refers. It was necessary, he says, to humour the people and to let them speak and wrangle. He therefore desired every man freely to tell his grievance, and to keep up appearances, he added to the officers and Keys four men out of every parish, making up about a hundred in all. This was not a court according to the constitution of old time. It therefore had in reality no more power than he chose to give it, being neither a court of all the commons of Man, as on Reneurling, nor a regular representation of all the commons chosen by the six sheadings. Thirty-six *bona fide* representatives, as in 1430, would have been a constitutional, powerful, business-like, and therefore dangerous body. The Earl, as he tells his son, misleading the simple people by his Lordship's diligent spies and informers, dealt with them as with "hypochondriacs," and led them into the trap he had prepared for them. But it is important to remark that these four men of every parish are held forth as representing themselves and the whole commons of the Isle, and not until a strong military power was collected, and Captain Christian was imprisoned, and others fined and threatened, and fraud and force had subdued the rising spirit of the Island, did the Earl venture to dispense with this plausible pretext and appearance of popular representation.

His fifth legislative step shows the triumph of his subtle plans. In it popularly

chosen representatives are quite ignored, and for the first time in the Manx Statute Book the twenty-four Keys are formally styled "the representative body of the country." Thus conveniently supplied with a ready-made representative body, so different from the elected Long Parliament now warring against his master, the Earl enjoys his triumph by repeating this appellation four times in this one statute,—“the said representative body of the Island, the twenty-four Keys.” The work done by that Tynwald Court could not be done without a real representative body, and was worthy of a pretended one; it was, as we shall see, an attempt to destroy by fraud of law all the landed titles in the Island.

In his sixth legislative step this “representative body” present themselves as “*your lordship's servants the officers and twenty-four Keys, humbly petitioning*” to pass a new law for capital punishments; and in his last legislative step the Earl fences round with pains and penalties, against the clamours of the Islanders, the representative body he had made, so that no man dare speak against their offices or *places*, on pain of having his ears cut off.

It is thus abundantly evident that next to his regal despotism, Earl James favoured the rule of a small number on whom he could depend,—an oligarchy.

His measures towards the church were different from those of Sir John Stanley. To reduce priestly power, making the clergy the national teachers and officers, and rendering the nation a self-governing unity under its paternal head, was Sir John's aim; his opposition being against the centralized despotism of the Papacy. His policy was to subdue the one Pope by means of the many people. The Earl, on the contrary, desired to subdue the many by means of the few; and, therefore, he nursed the diminished power of the clergy, like his master, whose measures for re-establishing bishops in Scotland first opened the way for his own destruction. The fifth chapter of the Earl's letter shows how strongly he felt on this subject. But his policy was uncertain, changing, and hesitating. Evidently he did not himself see his way clearly. He was not prepared to go the whole length of re-establishing priestly power, and therefore, in 1636, when monarchy and prelacy were in the full career of triumph in England and Scotland, Earl James directed that the ecclesiastical courts in this Island should be rendered independent of the Lieutenant, Deemsters, and Keys; but he added, “these directions to endure until his Lordship hath further considered of the consequences of this business, and do give further orders therein.” And when in 1642 the same reaction against priestly power began in the Isle of Man as in Scotland and England, and the Manx people “came in a tumultuous manner, desiring new laws and a change of old; that they would have no bishops,—pay no tithes to the clergy,” the Earl temporised, and in his meetings with the people he carefully preserved the substantial power of the Bishop and clergy, while he cut off a number of the most crying abuses and exactions. Branches were pruned, but the roots of clerical power, so far as serviceable to the Lord, were carefully protected. A record of 1541, pleaded by the laity was declared to “be of no force to be pleaded in the way of barre to the Book of Spiritual Statutes, enrolled in the Statute Book of this

Island, and that therefore the laws and orders positively made, and in that book recorded, shall be henceforth duly and truly observed in all things, till some other law, statute, or ordinance shall be agreed upon to the contrary." In 1541 Henry VIII. had overthrown the priestly domination. If the Manx record of that year, produced by the commonalty was declared by the Earl to be "pretended," would it not have been fair to have at the same time declared the indenture of 1532, and the anti-papal documents of Sir John Stanley to be valid? There will be more to say on this head when considering the ecclesiastical constitutions of the tenth Earl of Derby.

And lastly the Earl's treatment of the commons was opposite to that of Sir John Stanley. The political and landed rights of the commons were specially defended and matured by Sir John. They were reduced to a nullity by this Earl. Against the despotism of priests and the sanctuary claims of their lands, Sir John built up the supreme power of the court of all the commons of Man; and by sanctioning first on his great Tynwald Day the charters of the commons, he was then enabled to compel ecclesiastical barons to submit to do him fealty, and those barons that did not do the fealty involved in their charters were deprived of their temporalities. The Earl—by allowing spiritual officers and barons a place in the legislative council, by putting the twenty-four Keys in the position of the representative body of the country, by making the spiritual courts independent of the civil authorities, and by summoning in a revolutionary manner a new unconstitutional body representing spiritual parishes, not civil shreadings,—shelved the commons, depriving them of their own court and representation, and of all real and effective power in the state. And the political power he thus engrossed for himself, in the hands of his "servants," he employed in depriving the commons of their chartered landed rights. This very grave (and treasonable?) charge against the seventh Earl of Derby is sustained by the highest authority. The Manx Legislature of 1777 and the British Crown passed an Act, quoted above in page 129, which expressly declares that "the ancient feudatory tenures of this Isle, between the Lord and his tenants," were "*by undue means* changed into leasehold estates." It was to this measure that Chap. xvi. of his letter refers, as needing from him the wisdom of "the serpent according to the occasion," "as a special matter which if, by reason of these troublesome and dangerous times, I cannot bring to pass my intents therein; you may in your better leisure consider thereof, and make some use hereafter of my present labours, in the matter of a certain holding in this country, whereby men think their dwellings are their own ancient inheritances, wherein they are much deceived. I have a hard task in hand; but I shall try. I do bethink myself in case the Deemster and I should not agree, how to manage this business. I shall grant it him on easy terms, for if he break the ice, I may haply catch some fish."

As this enterprise of the seventh Earl has left deep traces in the Island, and is connected with difficult questions presently pending, it may be profitable to lay down some first principles along with historical facts.

We have seen that as Blackstone and others agree, the title or right to property in land is ultimately founded on the divine grant to mankind and to each several nation inhabiting and cultivating the several portions of the globe. Title to land is either udal or feudal. A udaller is one that holds land directly from the Almighty without any human superior. The old Scandinavian land tenures were udal or allodial, the landholders being each his own superior, and owning no rent, homage, or service to any man. According to the feudal system, all the land of a nation was considered as the property of the Crown, the King being the only udaller or the steward of the nation, and all the landholders held their lands by titles derived from the crown, for which they owed to the crown, as feudal superior, homage, service, or pecuniary payments. In Scandinavian, and probably in Celtic times, the land of Man was held allodially, as is said to be the case to this day in Shetland, formerly a Norwegian possession. Goddard Crovan, like William the Conqueror, established feudal tenures in Man. He did not, and could not, without an exterminating process, seize all the land as his own property, but leaving the old proprietors in legal possession of their lands, he gave them charters from himself, made their lands into *charter* or quarter lands, and in place of the uncertain demands from them as udallers, they agreed to pay fixed sums as feudal holders, of land which was their own, and which as such the crown could not hinder them from selling or handing down to their descendants. Under this system all the land was held of the crown and was its property, except the charterlands of the Commons and Barons, which were acknowledged by the feudal charters from the crown to be the property of their respective holders.

The paramount rights of the crown having passed from Norway to Scotland, and from Scotland to England, the crown of England granted its feudatory rights successively to the Montagues, to Scrope, to Percy, and to the Stanleys. As feudatory king Sir John Stanley demanded on the day of his installation on the Tynwald Hill "that the commons come and show to him their charters, how they held of him, and the barons to come and show whereby they held and claimed lands and tenements within his land of Man, and to make faith and fealty, or else to take their temporalities into his hands." Some of the Barons did not come, and therefore King Stanley took their temporalities; but the Commons came, and having shown their charters, constituted the supreme court of the nation under the presidency of their feudal king, holding chartered lands and chartered power and privileges as the homage and court of the feudal kingdom. On this established basis the landed property of Man continued until a new arrangement was made between the crown of England and the House of Stanley, by Act of Parliament 1610, after the great law plea between Earl James's father and his three cousins the co-heiresses of Earl Ferdinand.* This act placed Earl James in a

* This Act of Parliament is the hinge on which the great questions now pending respecting the landed property of the Isle of Man really turn. It was a strict entail on the family of William the Sixth Earl to the exclusion of the female heirs of Ferdinando the Fifth Earl. Under the gift to Sir John Stanley by Henry IV. these co-heiresses had been found by the Court of Chancery to be

different position from Sir John Stanley. The charter of Henry IV left the Stanley lords at liberty to alienate the land, with consent of the Crown, by selling estates to new quarterland holders. The Act of James I. expressly forbade alienation. Earl James understood this well, as the first sentence of his letter proves "The kingdom of Man belongeth to the House of Derby, in which family the Lord continue it while men live on earth." By this Act all that it conveyed was strictly entailed on the right heirs, and all grants, sales, or acts to the contrary were made utterly void; consequently the sale of impropriate tithes by Earl Charles, in 1666, to Bishop Barrow, was found to be null and void, and the clergy would have been deprived of all that Bishop Barrow bought for them had there not been some lands of the Derby family in England provided to guard against the restriction in the Act 1610. Consequently, since 1610, there have not been, and could not have been, any new estate of inheritance constituted in the Isle of Man—only intacks or mere licenses to inclose portions of the Lord's common—and under the provisions of that act and the act restraining all alienations of Crown property, it is not easy to see how any Manx authority can sell or authorise the sale of the Crown's Commons. Earl James was sure that the Act of 1610 prevented the creation of new estates of inheritance; and he held, moreover, that under it there were no such estates in the Island; and that all the quarterlands were nothing more than farms leased from the Lord, and neither to be sold nor devised by will, save with his express consent. What the monks of Rushen imagined Goddard Crovan to have done in 1170, Earl James deliberately tried to do in 1645, *i.e.*, to make himself proprietor of all the estates in the Island, and to reduce all the commons of Man to the position of tenants,—at first for three lives, but afterwards at will, and finally to be like the tenantry in the highlands of Scotland, liable to sweeping expatriation; so that, like some of the Western Islands—Rum, for example—the Isle of Man might, if so the Lord pleased, be turned into a hunting field. He might well tell his son that it was a hard task he had taken in hand to try, and he needed, in trying it, all the cunning of Machiavel when he quotes. By means of "the representative body of the country," in 1646, and his bribed servants, Deemster Cannell, and others, by his fifth legislative measure he succeeded for a time in unsettling all the landed titles of

entitled to inherit the Isle of Man. Earl William bought up their claims and entailed the Isle on his own heirs. Queen Elizabeth and James I. personally interfered in the litigation and consequently it is probable that as Crown Solicitor from 1607 to 1613 the great Lord Bacon had the drawing up of the Act 1610. Sir Edward Coke was then Chief Justice of the Common Pleas. Sir Thomas Egerton, Lord Ellesmere, Queen Elizabeth's Keeper of the Great Seal, and Lord Chancellor from 1603 to 1616, was married to the widow of Earl Ferdinando, and his eldest son was married to the youngest co-heiress. And Sir Philip Yorke, Lord Chancellor Hardwicke, decided upon this Act that the Eleventh Earl of Derby could not inherit, by the will of the Tenth Earl, the Isle of Man, but must yield the Isle to the Duke of Atholl as the right heir of James the Seventh Earl, and that the sale of tithes by Charles the Eighth Earl to Bishop Barrow was not valid, and consequently Bishop Wilson and his clergy were ousted from the impropriate tithes in the Isle of Man. It is not easy to see how Acts of Tynwald can alter such an Imperial Act of Entail. See above Page 6.

the Island, "and the regular course of descent, which before had flowed in an easy uninterrupted stream, was clogged with difficulties not to be born; the tenant grew dissatisfied and much litigation ensued, which tended to dissolve all harmony and subordination between them and their chief, so essential to their mutual interest and happiness, for remedy whereof the legislation of the tenth Earl of Derby interposed,—on the consideration of which we now proceed to enter.

NOTE 9.—LEGISLATION OF THE TENTH EARL OF DERBY.

The anti-Puritan reaction of 1660 was in part repelled in Man, as in the other British Isles, by the revolution of 1688. Previous to that event Manx legislation, amidst a mass of details, had two additions of general interest. The source of the first exemplifies the truth already stated,—that clergymen, with decided powers for national usefulness, ought not, by their exclusion from national spheres, to be obliged to employ their energies in extra-national, clerical, and ultramontane spheres. This exclusion has paralyzed the *national* progress of Protestantism. Bishop Isaac Barrow, who held along with the see of Man, from 1663 to 1670, the office of Governor of the Island, able thus to work with both his hands, secured lasting benefits to the successive generations of the Manx clergy, and was evidently the real author of a proposal, in the name of Earl Charles, to the Tynwald Court, and legalized by it, for a reformed code of insular law, civil and ecclesiastical.

"Having had information given me that by reason of several cross statutes, yet extant upon record, and also of pretended customs and breast laws, contrary sometimes to the statutes in force, my people are much distracted in their affairs, and made uncertain how to proceed in the transaction of their meanest concerns, and are drawn into unnecessary charges of coppys, and that law suits and differences are multiplied, and their despatch hindered and prolonged.

"These are to require my Comptroller, Deemsters, and all other my officers, which are best acquainted with the laws and state of my Island, together with the advice and assistance of the twenty-four Keys, to make an exact enquiry and search into the statutes, that such as are found fit to be abrogated may forthwith be repealed and cancelled, and that the rest that are necessary for the government of the Island, together with such customs as are worthy to be translated into laws, may be wrote fair into a book, and made the rule of proceeding in all cases, that so no liberty may be left to private opinions or gratifying interests, but that the people may know their duty, and expect their reward or punishment according to their conformity or disobedience to the known laws.

"The same course I require also to be taken with the ecclesiastical statutes, by the spiritual officers, with the advice and assistance of such knowing persons, both of the clergy and laity, as shall be thought fit to be joined with them by the Bishop of my Island; and because I look upon this as a great expedient for the preservation of the people's peace and quiet, or at least for shortening and composing differences, I require that it be forthwith put in execution.

"CHA. DERBY.

" These annexed Acts being sent to our honourable Lord, and by his Lordship approved of, to be published at the Tynwald Court, holden 21st Sept, 1667, being St. Matthew's day, the same is now subscribed by us.

" ISAAC, Sodor and Man." (&c.)

That this scheme has never been executed in England or Man, though proposed in the one place by Lord Bacon and in the other by Bishop Barrow, is no marvel, for its accomplishment would require to be superintended by some one man who would combine in himself the civil and ecclesiastical powers of both its proposers.

The other addition was an Act against non-residence of the higher officials, ecclesiastical and civil ; the only defect of which is that it has not been executed. Lawyers, indeed, say that it has another defect,—that it was not intended to be executed, and that its wording was kept defective on purpose to render it a dead letter ; but we cannot always believe lawyers, even when they may be speaking the truth.

In the Isle of Man, as in Britain, the arrangements consequent on the Revolution of 1688 were the result of a compromise between conflicting principles and opposite parties. The exact nature of this compromise and the way to bring it to a permanency, may perhaps be more easily traced on the miniature scale of this Island than amidst the labyrinthine details of the British Empire. The nautical skill incompetent to manage the huge bulk of the Great Eastern, may qualify to pilot the pioneer boat of a fleet, and experiments which occasion a fatal explosion in the one may be harmlessly and usefully conducted in the other.

If the Manx Revolution settlement be viewed as a reflection of the minds of its two immediate authors, the tenth Earl of Derby and Bishop Wilson, a consistent and permanent structure could not be naturally expected. A soldier trained in the continental battles of William of Orange would have decided leanings against Papal and Jacobite influences, and would therefore be disposed, so far, to set himself against the tendencies of his grandfather, the martyr for the Stuart policy. But if even Wellington as a civilian was more eminent for resisting than for controlling and directing the current of innovation, it is no reflection against the Brigadier of King William that he did not initiate and guide forward the legislative and political improvement of his little kingdom. Of his two principal acts, as printed above, the Act of Settlement, the one more peculiarly in his department, is in effect nothing more than a repeal of his grandfather's acts against the Manx freeholds ; the other act, the ecclesiastical constitutions, belongs indisputably to Bishop Wilson, and is his *chef d'œuvre*,—certainly a memorable, remarkable, almost singular work. That prelate was himself a singular compound of opposite principles. His charity endeared him as a father to the Island for half a century, and by it he shines in the hierarchy as a star of the first magnitude, and yet he ruled the Isle as with a rod of iron. A man of genuine and unquestionable piety, Hildebrand did scarce treat the Emperor Henry V. more defiantly than he confronted Governor Horne. His biography has been alternately

trumpeted in the opposite sides of the Protestant camp,—the Evangelical Stowell and the Puseyite Keble contend for the opima spolia of this remarkable member of the Episcopal Bench. At one time his writings teem with the personal devotion built on the Protestant dogma of justification, at another they startle us with hierarchical dogmas and assumptions that Bishops Simon, Marcus, and Russell would have applauded to the echo. Unwearied in Christian action, he repressed Christian speculation; stirring up the clergy to love and good works, he suspended one of them for expressing a doubt of the clerical power to remit sin. He was a most singular combination of the meek and loving and beloved patriarch, and the ascetic, arrogant, exclusive, and priestly despot. The Whig brigadier and this Bishop could not coalesce, and the sneering infidelity of the eighteenth century was amused with a repetition in Lilliput of the old battle of the giants, Hildebrand and Henry V., Becket and Henry II., enacted in the Isle of Man between the good Bishop Wilson and the Lord of Mann's great man, Governor Horne,—only it was not the civil power that was lashed and barefooted in the snow, it was the wearer of Becket's mantle and Hildebrand's slipper that was for nine long summer weeks imprisoned in Castle Rushen. The constitutions drawn up by such a Protestant mitre, all will expect to be remarkable, few will regard as more permanent than a temporary compromise.

The legislation of the tenth Earl of Derby is best understood when viewed as antagonistic to the legislation of the seventh Earl, and as tending in the direction of the legislation of Sir John Stanley. Two of the seventh Earl's movements were definitely corrected under the tenth Earl. The two others have been left as a legacy and charge to our times. The despotic claims of the Manx king, and his invasion on the rights of the freeholders, were both rectified by the revolution settlement. Tacitly, under the influence of public opinion, and following in the wake of the British Crown, rather than by any explicit act of renunciation, the Lord of Man withdrew his claim to issue ordinances and laws of his own authority, and not even the Imperial crown which purchased the sovereignty of Man in 1765, has ever assumed the shadow of a claim to enact laws binding on the Island, without the consent of the Legislature. Theoretically, indeed, a claim is made for the Imperial Legislature, for which Coke and Blackstone both are quoted, to have the right of passing laws binding on the Isle of Man, by the simple process of introducing the name of the Island into a Bill, which may become law without in any way consulting the inhabitants of the Island. This claim which lost to Britain the United States of America, and is now gradually receded from in regard to all the great and growing colonial possessions, cannot, even if it were well founded, be for very shame retained in rigour only in the oldest and physically the weakest of the empire's dependencies. So that we may conclude that the despotism of the Crown is a tale that has been told, and that of the imperial legislation a tale which will not be told.

But the invasion of the rights of the customary freeholders demanded explicit legislative correction. This was afforded by the Act of Settlement. Bishop

Wilson's diary of date Sept. 6, 1708, contains the following entry :—" Blessed be God for his favours. On this day I was, I hope, an happy instrument in bringing the Lord of Man and his people to an agreement : his Lordship having this day condescended to settle them upon a certain tenure, or rather to restore them to their ancient tenure, which has been uncertain for more than one hundred years. What the consequences may be I know not : but this I know, that I have acted uprightly in this whole affair, which God be praised for." This entry is preceded by another, of date August 6, 1708, —" 'In all thy ways acknowledge him, and he will bring it to pass.' O all-wise Providence ! who alone canst govern the affections of men, and give success to their lawful undertakings ; in an humble confidence that it is according to thy good pleasure that I am concerned in this great affair, I do cheerfully undertake it for the good of this nation, where my lot is fallen, beseeching thee to bless me in the way that I go ; to preserve me from doing anything which may displease thee, or dishonour my holy profession ; to dispose the hearts of those for whom and with whom I am to act, that thy will may be done and submitted to, and that Thou, O God, mayst have the honour of governing the world according to thy most wise purposes." In the History of the Isle of Man, published by Bishop Wilson, the Act of Settlement is referred to as follows : " Act of Settlement. The inhabitants are laborious enough ; and those that think them otherwise, because improvements go so slowly on, do not see the difficulties that too many of them have to struggle with. Indeed the present Lord of Man (Lord Derby) has, to his great honour, removed one of the heaviest discouragements to industry and future improvements. His Lordship, at his accession, found his people complaining, as their ancestors had been for more than one hundred years, of the uncertainty of their holdings ; they claimed an ancient tenure which they called *the tenure of the straw*, by which they might leave their estates to posterity under certain rents, fines, and services, which his officers could not allow of, because of the many breaks that had been made by leases, &c., in that manner of holding. He therefore appointed Commissioners to treat with his people in his presence, and at last came to a resolution to restore them by a public Act of Tynwald to a tenure of inheritance under certain fines, &c. And the very great improvements which have since been made, shew plainly that there wanted such a settlement to encourage industry, and the present and future ages will have reason to remember it with the greatest sense of gratitude."

The good Bishop does not go to the bottom of this matter. It is curious that he never mentions the seventh Earl in all his history. It was he as we have already seen, that deliberately unsettled the ancient tenures of the Island. By Act of Parliament, 1610, the Island was settled unalienably on the heirs male of William, the sixth Earl, or on the right heirs of James, the seventh Earl, *saving* to all persons such estates which they now lawfully have, out of the said Lordship of Man. James the seventh Earl, as heir of entail in possession, deemed that this act not only refrained from making any new alienations by sale or charter, but also (overlooking the saving clause) acted as if it deprived, in

favour of the Derby family, the charterland holders of their estates of inheritance. If his reading of the act 1610 had been the true one, he, as heir of entail, could only grant them leases for three lives as the best arrangement for the freeholders. This he prevailed on many of them to accept. But the confusion, litigation, and misery consequent on this wholesale legal robbery were such that to obtain a recognition of their chartered rights, which would be valid in the insular courts as against any future claims of the Lord, the freeholders agreeing to pay an increased fixed annual rental, and to pay a fixed sum on all alienations and descents of landed property; and at this price they obtained the Act of Settlement, whereby their ancient estates of inheritance were secured to themselves and their descendants, without being exposed to any future increase of rent or service. The Act of Settlement, of course, only secured the estates which existed previous to the passing of the Act of Entail, 1610; all other lands, *i. e.*, commons, intacks, &c., would seem to be regulated according to the statutory provisions of that Act of Parliament. The good Bishop was quite right in his estimate of the act of settlement. It secured the rights of the Commons of Man—was the *Magna Charta* of the freeholders—opened the way to agricultural improvement and wealth of the Island,—and by the prayers of the Bishop and the pecuniary sacrifices of the Manx yeomanry, secured for this Island that subdivision of estates which on the Continent has been the chief if not the only good fruit of the French Revolution; and which, if it had existed in Ireland or the Highlands of Scotland, would have secured a home to the Celtic aborigines of these provinces without a compulsory exodus to the wilds of America. The rentals which are spent in London and Paris have left to Ireland and the Highlands a mortgaged proprietorship and a beggared people; spent by resident landowners in the Isle of Man, have made it to resemble Kent and Belgium, the gardens respectively of England and the Continent, filled and tilled by a comfortable resident proprietorship and peasantry.

These then are the two points in which the tenth Earl corrected, by means of the Revolution Settlement, the evils entailed on the Island by his predecessor the seventh Earl, and brought the eighteenth century up to the stage of political progress at which Sir John Stanley left his little kingdom in the beginning of the fifteenth century. In two other points, the nineteenth century has much to do before reaching the height of the fifteenth century, and far more to do before being able to erect a structure corresponding to the foundation then laid by this great founder of Manx Legislation and Anglican Government.

The final struggle of despotism and Popery to seize the throne of Britain was defeated by the seven Bishops and a coalition of the great Whig and Tory families. The sceptre passed into their hands, and since the revolution settlement the aristocracy have held the balance between the crown and the growing democracy. The same process in miniature has taken place in the microcosm of Man. The representative body of the country, formally constituted by the seventh Earl of Derby, and perpetuated by a crown-guided self election, has formed a powerful

aristocracy, which, acting for themselves and the people, opposed the Duke of Atholl rendering him willing to quit all connection with the Island, and has on many occasions been the powerful guardian of insular and ancient privileges against imperial centralization and absorption. All attempts to alter this aristocratic constitution have hitherto proved vain. The alternatives have been, representation in the House of Commons, or a popularly elected representation in the Island. Manxmen cannot resolve to purchase the first at the expense of becoming subject to Imperial taxation,—of sharing the burden of the imperial debt, to the contracting of which they or their ancestors never consented,—of losing their own Parliament and representative of Royalty,—of abandoning their insular system of law and judicature and cheap legal conveyance of property,—and of ceasing to be no part of the realm of England, and to be an ancient and separate kingdom. To pay such a price for the 656th fractional part of the third portion of the legislative or talking power of the empire, while already they possess all the sterling benefits of British citizenship, they justly regard as exposing them to the taunt in Sacred Writ, “Ye have sold yourselves for nought.” And the other alternative is by no means unaccompanied by difficulties. Popular election of members of Parliament is assuredly no unmixed benefit, and in a small community the divisions, feuds, and heart-burnings,—not to speak of coercion, bribery, and class collisions, with sectarian rancour and demagogic excitement,—would threaten to make it an unmixed evil. These difficulties on both sides,—right hand expense, and left hand dissensions,—induce the great bulk of the Manx people to take as a middle and safe course,—to follow “the powers that be;” to put up with the seventh Earl’s representative body of the country.

“And rather to bear the ills they know,
Than flee to others that they know not of.”

The population largely petitioned for popular election of the Keys about the time of the Royal Commissioners’ visit, in 1792, amidst the then contests between the Duke of Atholl and the Keys. Also at the great reform crisis, in 1832, there was much excitement in the same direction. But the Bill to annex the Diocese of Man to Carlisle, in 1836, engrossed the available attention of the Island to the defence of existing privileges rather than to the extension of them. And now at last the metropolis of the Island has a trial of the first beginnings of popular election under the Town’s Bill, promulgated 1st May, 1860.

Judging of the future from the past, it may be concluded that as Sir John Stanley’s courts of all the commons of Man, in 1422-29-30, were and could be assembled only under the pressure of a religious movement—that no similar assembly of the nation or their direct representatives can be anticipated, except in connection with the religious questions of the age. Men value and will steadily contend for their secular liberties in order to maintain their religious rights. The puritan movement was the source of modern political freedom in England, as the covenanting movement was in Scotland. It was the Wycliffite influence that led to the national movements under Sir John Stanley. The puritan spirit

was crushed by the seventh Earl. Bishop Wilson did not turn the religion of the Island into the channel of civil liberties and franchises. It remains, therefore, that the Wycliffite movement be resuscitated by some substitute for the Puritan movement, which shall deal boldly with the compromise of Bishop Wilson, and render his building a comprehensive and national one. And this brings us in face of the great and crowning difficulty of this and all ages and countries, the religious one—the church question. How can this be settled theoretically, or (as some would say, is the same thing,) on the miniature scale of man. The crowning excellence of Sir John Stanley's work was his treatment of this question. In nothing did the seventh Earl show more indecision. And in nothing was the Revolution settlement more liable to unsettlement than in this.

In these notes we have scrupulously confined our attention to supremacy and legislation, and made no reference to doctrines or modes of worship, and we continue in the same restricted line of remark. The three Stanley Kings maintained the order of Bishops; one of them only incidentally mentioning that the people began to say that they would have no bishops and pay no tithes to the clergy. The three chief legislators of the Island agreed in this that the Insular Bishop should be the depository of the ecclesiastical power,—at least formally and ostensibly. The first Stanley insisted that the Bishop should do homage as the servant of the head of the nation, and should serve as a chief religious superintendant of the national affairs, responsible directly to the assembled nation. The second Stanley explains his views of the Bishop in chap. v. of his letter. p.p. 18, 19. He allowed the Bishop a separate position, but would bind him to himself. "Have this in your thoughts, first, to choose a reverend and holy man to your Bishop, who may carefully see the whole clergy do their duties. Have, also, great care that this bishop be not of a factious spirit, and let them be of your own choosing, rather than recommended to you: so will they have the only obligation to yourself, and have no dependency on another. For it may displease you if they talk too much about York, as some ill chosen heretofore have done."

The third Stanley, finding the Bishop in a separate position, confirmed him in it; but instead of binding him to himself, stood by while his officers and the Bishop fought a battle which the Privy Council of Great Britain could scarce compose.

What, then, is the legislative position of the Manx Bishop and Church?

In 1266, Magnus VI., of Norway, yielded by charter to Alexander III., of Scotland, the island of Man, along with the Episcopacy of Man, the laws, jurisdictions, and liberty of the Church of Nidrosien, in everything that he possessed in the Episcopacy and Church of Man."—Train, vol. i., p. 155.

The legislative foundation of the Reformed Church of Man is the Act 33, Henry VIII., cap. 31, A.D., 1542, the exact words are,—“That the Bishoprick and Diocese of Man, in the Isle of Man, be also annexed, adjoined, and united to the said Province and Metropolitcal Jurisdiction of York, in all points and to all purposes and effects, as the said Bishoprick of Chester is annexed, adjoined, and

united to the same." The rights conveyed in this clause are expressly reserved in the Act 1610 of Entail to the Derby family. Earl James respected this saving clause more than the one referring to the freeholds, although Sir John Stanley, on the contrary, upheld the freeholds and subjected the Bishoprick and Diocese to himself and the nation, and not to York. But the antagonism between the national policy of Sir John Stanley and the clerical jurisdiction under Henry VIII.'s Act, emerged in insular proceedings previous to Bishop Wilson's day.

Precedents of the Temporal Records relating to Spiritual Causes.—Ex Rotula.

Anno 1541.

An enquest of the 24, with the two Deemsters, find and present that my Lord's prerogative is put down by the Bishop and clergy, for that they make Vicars of their own mind, the which they find by their oaths, that my Lord is metropolitan and chief of holy church, and that the Bishop shall do nothing but at my Lord's pleasure, by reason whereof the Bishop shall not present to any benefice within the Isle, by reason of any lapse of time, nor other do concerning my Lord's royalty. To the contrary hereof, the Bishop hath presented one Sr. Gilbert Lessage to the Vicarage of Kk. Michael, contrary to the Lord's prerogative aforesaid.

Anno 1561.

Sr. Richard Gorslyla, Archdeacon, is bound to the peace,

Lib. Scaccar, 1599.

The Deemsters have given for law, &c. They also say, with the advice of the 24 Keys, that they never heard that a lease granted by a Bishop, and confirmed by the Lord, could be disannulled.

1597. (1610.)

They also say, with the advice of the 24 Keys, (we the Vicars-General say, &c., whereunto the Deemsters and 24 Keys have consented,) that the Lieutenant may upon a breach of the statute, &c., fine both the Bishop and Archdeacon.

Lib. Scaccar, Anno 1627.

The Vicars-General say that according to the ancient laws of this Isle, any person finding himself aggrieved by any censure or proceeding in the Spiritual Court, may appeal to the Staff of Government or to the Lord of the Island, as there shall be successors, for it is a prerogative. Upon which appeal the temporal may prohibit the spiritual from all further proceedings to censure until an indifferent trial be had. But if the Lord take the case to himself or commissionate his high officers here to determine it, then it is called *the Lord's prerogative royal*; so that the spiritual court is not only to surcease in their proceedings, but also to deliver over the party or cause to the Lord whatever it be, in the which is the utmost of the law spiritual can proceed in.

WILLIAM NORRIS, } V.G.
WILLIAM CROW, }

Ldb. Scaccar, 1637.

Philip Cannell and his coherents, for contempt to my Lord Strange's orders touching the Bishoprick of the Isle, and for urging an appeal at York, contrary to the Lord's orders and prerogative and laws of the Island, are ordered to acknowledge their fault at the Tynwald Hill, and to pay a fine of £6 13s. 4d.

The separate position and quasi independency of the Bishoprick, created by the Act of Henry VIII., was carried to its utmost extreme by Bishop Wilson. His own words in his history shew us his quality,—“The Bishops of Man are Barons of the Isle. They have their own courts for their temporalities, where one of the Deemsters of the Isle sits as judge. This peculiar privilege the Bishop has at this day, that if any of his tenants be guilty of a capital crime, and is to be tried for his life, the Bishop's steward may demand him from the Lord's hand and try him in the Bishop's Court by a jury of his own tenants; and in case of his conviction, his lands are forfeited to the Bishop, but his goods and person are at the Lord's disposal. The Abbot of Rushen had the same privilege, and so has the steward of those lands to this day. When the bishoprick falls void, the Lord of the Isle names a person and presents him to the King of England for his royal assent, and then to the Archbishop of York to be consecrated, after which he becomes subject to him as his metropolitan, and he and the proctors for the clergy are constantly summoned with the rest of the bishops and clergy of that province to convocation, the diocese of Man, together with the diocese of Chester, being by Act of Parliament of 33, Henry VIII. (confirmed by another of 8th James I.) annexed unto the metropolitical see of York. There is nothing more commendable than the discipline of this church. Good care is taken to fit young persons for confirmation, which all are pretty careful to prepare themselves for, lest the want of being confirmed should hinder their future marriage: confirmation, receiving the Lord's Supper, &c., being a necessary qualification for that state. Offenders of all conditions, without distinction, are obliged to submit to the censure appointed by the church, whether for correction or example, (commutation of penances being abolished by a late law) and they generally do it patiently. Such as do not submit (which hitherto have been but few) are either imprisoned or excommunicated; under which sentence, if they continue for more than forty days, they are delivered over to the Lord of the Isle, both body and goods. In the meantime all Christians are frequently warned not to have any unnecessary conversation with them, which the more thoughtful people are careful to observe.

The Bishop and his Vicars-General having a power to commit to prison such as refuse to appear before them, there is seldom occasion of passing this sentence for contumacy only; so that people are never excommunicated but for crimes that will shut them out of heaven * * * The manner of doing penance is primitive and edifying. The penitent, clothed in a sheet, &c., is brought into the church immediately before the Litany, &c. * * But if offenders, after having once done public penance, relapse, they are not permitted to go into any church in time of divine service, but to stand at the church door, &c. * *

In order to secure the discipline of the church, the Bishop is to call a convocation of his clergy at least once a year, when he has an opportunity of enquiring how the discipline of the church has been observed, and by the advice of his clergy of making such constitutions as are necessary for its better government."

The primitive Bishop in making these statements is fully a more edifying spectacle than his penitent clothed in a sheet. Leaving out of view the doctrines taught by them, it is hard to see the essential distinction between the Bishop of the eighteenth and those of the twelfth and thirteenth centuries, Marcus, Russell, and Duncan. The eighteenth century clings to the baronial claims over temporalities—those who approach the episcopal presence must do so kneeling—the church bell is rung when the Bishop happens to pass a church. The Bishop has his own dungeon where his own sentence, without civil sanction, confines offenders against his constitutions and sentences. No one can marry, or indeed perform any social function if he withholds his confirmations; no rank or class can claim exemption from episcopal sway—the annual convocation of his clergy has no power to check any excess or abuse of his power. They have no other constitutional place, according to the author of the ecclesiastical constitutions, than to be present when the Bishop "has an opportunity of enquiring how the discipline of the church has been observed, and by the advice of his clergy of making such constitutions as are necessary for its better government."

It is "edifying," indeed, to see the full-blown Laudian Puseyite system in miniature under a glass conservatory. But to have it full-grown in England would produce an inconvenient explosion like the experiments on the furnaces in the Great Eastern on its trial voyage. The miniature explosion in the Isle of Man was "edifying," though happily dangerous only to the "primitive" Bishop himself. The genuine charity of the good overseer made him the idol of the Island. He was in heart and soul a patriarch—only as Sir Walter Scott observes, "the man was mortal and had been a schoolmaster." He might have sat for the portrait of Goldsmith's Vicar of Wakefield. His profuse charity to saint and sinner would have covered a multitude of sins. If he had sat in Sir John Stanley's Tynwald chair, no man could have better carried to perfection Sir John Stanley's great work; but he was in the antagonist chair of the Bishop, and was compelled to put forth his energy and genius in a priestly system, and he wrought it well and showed its necessary results, as every genuine, honest, earnest man will do.

It must have been soon after he wrote his history with such complacency at the submission to his ecclesiastical constitutions that the great warfare took place between him with his two Vicars-General, supported by the 24 Keys and the inhabitants on the one side, and the Governor, his Lady, the Archdeacon, the Vicar of Marown, the Lord's officials, and the Earl of Derby on the other. It would occupy too much space to give details. Train asserts that the Bishop began hostilities by thrusting the Clerk of the Rolls (the Vice-Chancellor of the Island) into the episcopal dungeon under Peel Castle. Governor Horne shut up

the Bishop and his two Vicars-General for nine weeks in Castle Rushen. The old brigadier, Earl Derby, pleaded ignorance of the whole affair, while convinced that his officers were "honest, and very well-meaning men." After expensive litigation the Privy Counsel set aside the proceedings. Queen Caroline paid the singular Bishop marked attention, as Queen Anne had formerly taken great notice of him. The Royal Defender of the Faith craved his prayers, and offered him the Bishopric of Exeter to reimburse him. Declining to quit his own diocese, the King, "by Sir Robert Walpole, promised that he would see me satisfied," but soon after going to Hanover, and dying before his return, this promise was never fulfilled.

The Bishop and the Governor in this conflict represented two conflicting systems, as embodied in 33, Henry VIII., and in the acts of Sir John Stanley. It was a revival of the grand old case of *Pope v. King*, *Priest v. Layman*, *Church v. State*, *Canon Law v. Natural and National Law*, *Becket v. Henry II.*, *Hildebrand v. Henry V.*, *Pius IX. v. Italian rights*, *Convocation v. Parliament*; *Laud, Strafford, Charles I. & Co. v. Hampden*, *Pym, Milton, Cromwell, & Co.*; *Past v. Future*, *Reaction v. Progress*, *Spiritual v. Temporal Courts*.

Bishop Wilson, in his petition to the Privy Council, complains that the proceedings of the Governor and his Court in matters purely spiritual, impugn and set aside the metropolitical rights of the See of York, under 33 Henry VIII. Bishop Wilson was sure of support from his two Metropolitans. In his charge of 1720 he says:—"I have his Grace of York's most express advice, as well as his Grace of Canterbury (than whom no man is more concerned for church discipline) that we should not be discouraged by the troubles we have met with from going on the way of our duty." He was fully persuaded in his own mind. In 1721 he says, "If the unity of the Church is once made a light matter, and if he who is the centre of unity and in Christ's stead, shall come to be despised and his authority set at nought,—if the Bishops and Pastors of Christ's flock should not be careful to preserve inviolably the sacred rights committed to their trust,—then would error and infidelity get ground; Jesus Christ and his Gospel would be despised, and the kingdom of Satan set up *again* here, as well as in other nations. * * You see, by his Majesty's directions, what civil authority every Bishop hath to punish such offences. * * But I think it absolutely necessary to put you in mind of the authority with which God hath invested the Bishops of his Church: that if any attempts should be made to lessen that authority, or to make the clergy or laity independent of their Bishop, you may see the danger of closing with such such designs, which would effectually ruin all order in the church and separate you from Christ. Whosoever will read St. Ignatius's [spurious] Epistles, as published by his Grace the Archbishop of Canterbury, will see what that holy martyr and disciple of St. John's saith of the necessity of being in union with the Bishop, and that *such as are not so are not in union with Christ*." It was only to be expected that with such external and internal supports, the brave prelate struck with his spiritual sword, the "independant

Whig" patronised by the Earl of Derby,—the Governor's lady, for slandering another lady, and her chaplain for giving her the sacrament,—suspended the Archdeacon,—refused to attend the Governor's summons, or to pay a fine for contempt of court,—and was landed in prison, and by about £2000 expenses was almost ruined.

The Act of 33 Henry VIII., in the talented hands of Bishop Wilson, was repelled by the Acts of Sir John Stanley, in the untalented hands of Governor Horne, and under the unprincipled premiership of Sir Robert Walpole neither side could claim the victory. But assuredly such a twenty years' conflict proved that the Revolution Settlement in Man, so far as the church is concerned, is not a harmonious, consistent, or permanent structure, and that at best it is a temporary compromise.

No legislative change has since taken place. The primary episcopal charge in 1855 avows the determination to walk in Bishop Wilson's steps, and carry out his aims and plans. The revival of the Convocation of Canterbury, and a general re-action towards medieval religion in higher classes, point towards a renewal of Bishop Wilson's struggle upon the scale of the empire. But in Man Bishop Wilson's day is past. Hildesley, patron of piety and literature, retained the patriarchal sceptre; but after him the seventh Earl's hint as to the Bishops having "the only obligation to the Lord," was acted on by the Duke of Atholl. Without the charity, piety, and genius of Wilson, obsequiousness to the Lord could not retain his sway. Deprived of the old monastic land revenues, the stereotyped stipends of the parish clergy, under the Tithe Commutation Act of 1839, are ever sinking lower in comparison with the growing wealth around. A truly Catholic patriarch, John Wesley, visited the Island in 1777, and grasped the sceptre falling from the feeble successors of the old Bishops of Sodor and Man. The old liberties of the Commons of Man in the days of Sir John Stanley, excluded from the Tynwald Court and the Convocation, have reappeared in the religious guise of Methodism and this organization has far stronger hold of the population than the church of 33 Henry VIII. What was the stronghold of the Bishop in Sir John Stanley's day,—Kirk Michael and Reneurling,—is now, along with the northern part of the Island, bristling with fortresses of Methodism, manned by an army of local preachers, class-leaders, and class-members, and officered by trained leaders from England. Castletown, the ancient metropolis around Castle Rushen, is dwindled to a village compared with Douglas. And in the centre of Douglas, in these last days, the old Papacy, as with blast of trumpet, and as the gage of battle for her ancient predominance, has erected the largest and most imposing ecclesiastical building in the Island, officered by well-trained energetic priests. Meantime, an imitation of the municipal reformed elections in England, the first since Sir John Stanley's day, is proceeding in Douglas, under an Act of Tynwald sanctioned by the British Crown.

The battle of Sir John Stanley, adjourned from 1430, is now, after 430 years, renewed. The British Isles, leaders of mankind, are better prepared for a

conflict of mind in their central isle. Old Papacy, in defiance of Imperial power for centuries, retains dominion over the majority in Ireland. The Church of Cranmer, Henry and Elizabeth, still reigns, and attempts to govern amidst masses of dissent and disorganization, in England. Scotland, with an Anglican aristocracy, remains Presbyterian in nine-tenths of her population, following her apostle, John Knox; and Wales is at heart a Calvinist and Methodist. These four kingdoms, united as one empire, under one Legislature, and a Hereditary Monarch governed by an elective leader and his council, have been threatened by an aggression of the old Papacy, and are waiting an evangelical revival, but sectarian divisions prevent all unity of religious imperial action and progress. The nations of the world are like a fleet ready to lift anchor whenever the Admiral's ship shall take the lead. The gigantic American raft, covered with Anglo-Saxon refugees, and cumbered with its millions of slaves, cannot lead the fleet. Where is the pioneer boat with the morning star of the Reformation as its banner flying at its masthead, with steam machinery on the newest model, and with sails set to catch the rising breeze of heaven?

Can the central isle respond to this call? Will its crew nail to their mast the Wycliffite flag of Sir John Stanley? Will they re-adjust and employ the well-oiled and finished machinery of Wesley to move forward the one nation in the world, whose majority has been moulded by the latest development of Christianity. Have they the soul of their patriarch, who declared that he had no circuit like the Isle of Man, and that the great object of his system was not to raise up a sect, but to reform the nation? Are they prepared, like the tribe of Judah, after the death of the Patriarch leader, Joshua, to go up first to possess the land?

The minority, still adhering to the church of which the 33 Henry VIII. is the civil charter, must be aware that if the Imperial Parliament, by a clause in an Act for a different purpose, could then do what it pleased with the national Church of Man and annex it in all points and purposes to the Church of England, it can now do the same to the State of Man and annex it in all points and purposes to the State of England. Where is there a legislative limit to the power assumed in that Act and in the Entail Act of 1610? The national organization of Sir John Stanley, by which the laws and privileges of Man have been handed down to this generation, affords the rallying point and bulwark to defend them now, and the starting point for farther progress. The Imperial Parliament could not repel the real and united national voice of the Manx kingdom. The royal Lady of the Manor of Man would rejoice to see her own admirable example followed by a complete domestic organization and government in her central isle. And the noble house of Derby, descended from Sir John Stanley, though deprived of the Island under the provisions of the Entail Act of 1610, would, at the head of the great Conservative party of the empire, give every encouragement to their ancient kingdom in leading the conservative and Christian progress of the British Isles. What land on earth has greater privileges, or consequently lies under greater responsibility? With education pervading the Island,—with superfluity of church accommodation,—

with no disorganized mass of heathenism defying Christian enterprise,—with wealth, and comfort, and fixed property divided among the population,—with energetic sects, officered and disciplined,—with the Bible universally circulated and read,—with no national debt,—with no taxation,—with public revenues affording a large annual surplus, that may be very largely increased,—with an inroad of summer visitors nearly twice its own population, in search of health and scattering wealth,—with all the rights of self-government, and their recent development in the insular metropolis,—what is there to prevent a national Christian progress in the van of all nations, except the want of heart and soul—of some having the heart, and soul, and mind to gather up the results of the past and mould them into progress for the future? If Sir John Stanley were to rise from the dead, or to revive in his heir and representative, would he not resume his work as patriarchal leader of his nation, silence at once the wailing and grasp the sceptre of the superannuated Papacy, and comprehend under one evangelical banner all the Christian parties; and would he not finish his begun restoration of the old domestic organization of the nation, by combining Wesleyan classes with treens of ten families each under its chosen leader, and upon this domestic basis would he not build up his representation of the Manx nation—his old court of all the commons of Man, by constituting it of the representatives of hundreds and thousands; and would he not apply the surplus revenues to the real “clergy,”—a mental tribe of Levi, consisting of the trained professional men of divinity, law, physic, and education; and would not this go far to make this Isle, not the geographical only, but the moral, and religious heart of the British Isles—the tap root of the growth of the Empire and of the leadership of the Christianized family of mankind?

NOTE 10.—MISCELLANEA.

The earliest document in Rymer's *Fœdera* respecting the Isle of Man is the following, Vol. I., p. 137, belonging to the reign of King John:—

A.D., 1205.—Rex in protectionem suam suscepit Reginaldum, Regem Manniæ, Rex &c., omnibus, &c. Sciatis quod suscepimus dilectum consanguineum nostrum Reginaldum Regem Manniæ in custodiam protectionem et defensionem nostram et omnes terras et homines suos.

Et prohibemus ne quis ei, vel suis inferat injuriam, vel gravamen: quia si quid ei forisfactum fuerit id nobis factum reputabimus.

Teste Meipso apud Wodestock, 8 die Februarii, Anno, &c., 6.

The gift of the Island to Percy, Earl of Northumberland, seems to have had some relation to his being in the interest of the dominant priestly party, a reformer of errors.

Rymer's Fœd., vol. viii., p. 95, Anno 1399, Hen. IV., an. 1.

De Insula Manniæ per Servitium portandi gladium vocatum Lancaster sword in solemnibus coronationum concessa.

Rex omnibus, &c.—Sciatis quod nos debito mentis intuitu considerantes magnifica ac nobis et toti Regno nostro fructuosa et summe necessaria labores actus et obsequia quæ dilectus et fidelis consanguineus noster Henricus de Percy comes Northumbriæ, pro extirpatione et reformatione diversorum defectuum et errorum in regno predicto ad verisimile exterminium et finalem destructionem tam procerum magnatum et aliorum nobilium quam communitatum ejusdem regni nuperime pullulantium, &c.

From Turner's History of England, vol. v., p. 366.

The clergy also petitioned and carried another point from Henry IV., which his predecessors had so strongly struggled for: this was that they should not be amenable to any secular judge.—*Plac. Parl.*, p. 494.

From Sir Harris Nicolas's Proceedings of the Privy Council of England, vol. i, from 1836 to 1410.

P. xxxix.—Hotspur was in 1401 warden of the East March, towards Scotland, and justice of North Wales and Chester, as well as constable of the Castle of Chester, Flint, Conway, and Caernarvon.

P. lviii.—The exhausted state of the King's pecuniary affairs, and the distress endured by his soldiers and others engaged in his service, are forcibly shewn by the letters of the Prince of Wales and by the Duke of York. Every source of revenue seems to have been anticipated, and it is scarcely possible to imagine a government in greater distress for money than that of Henry IV. at that moment, (A.D., 1405.)

Parliament was (December, 1406) at the time occupied in forming regulations for the (Privy ?) Council and thirty-one articles on the subject were proposed by the Commons to be made into a statute. The Speaker requested that all the Lords of the Council should be sworn to observe them; but they refused to comply, unless the king "of his own motion" specially commanded them to take the oaths. His majesty having, of his "own will and motion," commanded them to take the oath, they were accordingly sworn, and the oath was afterwards administered to the Judges, the Clerk of the rolls, and other inferior officers.—*Vide Rot. Parl.*, Vol. III., p.p. 583-589.

This proceeding respecting the Council forms a very important feature in its history, as it proves the extensive manner in which the commons interested themselves in its measures and constitution. The opinion of the Peers, who were then members of the Council, that the proposition to take the oath suggested by the Commons was an infringement of the Royal Prerogative and the readiness—possibly from the want of power to resist—with which Henry acceded to their wishes, are deserving of attention.

Vol. II., p. 9.—A petition to the king (23rd January, 1415, 2 Henry V. prays that a warrant might be issued, commanding the Treasurer and Barons of Exchequer to grant a discharge for the metal of a brass cannon, &c., delivered to various captains; among other articles enumerated are, (page 341) quatre petitz

gunnez de ferr et Mⁱ Mⁱ Mⁱ Mⁱ liij xxiiij li de gunepoudre deliverz a Sr. John Stanley, chivaler.

Vol. III., p. 346.—6th July, 7 Henry VI., 1429. Several Knights and Esquires of the county of Chester, who had been bound to appear before the Council on the quinzain of Hillary, were discharged from their recognizances ; among others are Johe de Stanley, chlr. ; Thoma de Stanley, armiger.

Rotuli Normannia in Turri Londinensi asservati Johanni et Henrico Quinto, Regibus Angliæ. Accurante Thoma D. Hardy. Vol. I., p. 327, A.D. 1417.

In a catalogue of 238 vessels, and their captains or owners, which transported Henry V. and his army to France, there occurs—"Johes Stanley, m. craiere, vocat Petre de London." Besides the kind of vessel called "craiere," of which there were 60, there were also, "coggeship, navis, balingere, enere, busse, dogger, farecost, boldship, lodeship, bargee, picard, spinas, skaff, passager."

Introdaction to the Valor Ecclesiasticus of Henry VIII., with a Map of England and Wales shewing the distribution in Dioceses.

By the Rev. Joseph Hunter, F.S.A. Printed by command of Wm. IV. 1834.

The Isle of Man is a blank in this map, and it has no place in the *Valor Ecclesiasticus* of Henry VIII.

From a MS. in the British Museum.

HOW THE ISLE OF MAN CAME TO THE STANLEYS.

When tumults ceased and traytors were dispersed,
The earth cover'd with coarses drunke with bloode,
And every man got home and there rehearsed,
Then Stanley, in the triumph of their Spoile,
With other chiefs to court, makes their Recoile.

Their tidings of fair peace well please the Kinge,
The manner liked the Princes of Estate,
And for that victory in their hands they bringe ;
The Sovereigne doth his Royal Giftes collate,
And for his service done in their affaires,
He gives the Isle of Man to him and t's heirs.

The Patronage of the Bishopricke withall
For his successors to enjoy for ever
Then men, the King of Man, did Stanley call,
Till the eighth Henry it was changed never ;
But he, impatient of more Kings than one, began
To stile the Earls of Derby Lords of Man.

This is the second knight was call'd Sir John,
Son to the first that married Latham's heir ;

Honours were heaped the noble man upon,
Which all his lifetime he did well repaire,
As you have heard before his latest dignity
Was the Lieutenantship to the Irish Sovereignty.

And this myn author calls the second Fit;
Let wise men reade and judge the worth of it.

—*Mus. Brit.*, 5860. *Plut.*, clxxxiii, f. 6.

Notes from Rapin's History of England, 1732, vol. i.

P. 454.—John Lord Cobham, appointed by Parliament one of the guardians of Richard II., A.D., 1377. Earl of Salisbury and Earl of Arundel ordered to go to Normandy and take possession of Cherburg, which the King of Navarre had promised to deliver to the English. They had scarce left the coast of England when they were met by some Spanish men-of-war, who fiercely attacked them and did them some damage. But they put a garrison into Cherburg, which afforded the English an inlet into Normanby, as Calais did to Picardy.

P. 455.—France, whose interest it was that the Pope should reside at Avignon, joined with Clement; and, for a contrary reason, England thought it more advantageous to adhere to the Pope of Rome.

P. 456.—The Parliament which met October, 1380, is famous for a statute against foreign ecclesiastics, who in this statute were rendered incapable of holding any benefice in England. By another statute all the King's subjects were forbidden on severe penalties to farm benefices conferred on strangers by the Court of Rome. The Parliament petitioned the King to expel all foreign monks.

P. 468.—King Edward III. used to receive from Ireland £30,000 yearly, but after his decease the English settled there flocked to England in such numbers that the rest remained not only exposed to the depredations of the natives, but it cost the King 30,000 marks a year to preserve that part of Ireland belonging to him; wherefore he ordered all that belonged to Ireland to repair thither on pain of death.—*Wals.*, p. 350.

Queen Anne died June, 1394; had she lived longer the Lollards might have been saved. The departure of the Duke of Lancaster to his principality of Guienne, at the same juncture, not a little contributed to hasten the designs of their enemies. Richard went to Ireland; was recalled in 1395, by the Archbishop of York and the Bishop of London, to oppose the Lollard petition to Parliament for the reform of the Church.

A.D., 1397.—The merciless parliament, devoted to Richard II., packed by him, slew Earl of Arundel; Earl of Warwick banished to the Isle of Man; Duke of Gloucester privately strangled.

P. 469.—A.D., 1398. Chester made a principality for adherence to the King. Towards the end of the year the quarrel of Hereford and Norfolk opened the way of deliverance from the despotism of the King. John of Gaunt, Duke of Lancaster, died 2d Feb., 1398.

P. 484.—After Henry had requited the Earl of Northumberland with the Isle of Man, &c., he made Thomas of Lancaster, his second son, High Steward. It was absolutely necessary to fill this post before the coronation, because to the High Steward's Court all must apply who claim any service in that ceremony, in order to be maintained in their rights. But as this prince was not above ten years old, the King gave him for deputy Thomas Percy, Earl of Worcester, brother to the Earl of Northumberland.

The Parliament met 14th Oct., 1399, the day after the coronation,—declared the Kingdom of England was independent of all foreign power, particularly of the Court of Rome, (which under Richard had pretended to confirm Acts of Parliament),—and that the Pope had no right to interfere in the civil government of the realm.

P. 494.—After the battle of Shrewsbury the King marched towards the north, well knowing that the centre of the rebellion was there, by reason of the great interest of the Earl of Northumberland in those parts. When he came to York he took all imaginable care to secure the fidelity of the northern counties, as well by the oaths of the inhabitants as by other ways which he judged proper. * * The Earl threw himself at York on the King's mercy. * * He even left him all his estates, except the Isle of Man, which he had given him at the beginning of his reign. The Parliament met Oct. 6, 1404, called the Illiterate or lack-learning Parliament, most probably so called afterwards from their design against learned men or the clergy. The Commons went in a body and represented to the King, that without burdening his people, he might supply his occasions by seizing the revenues of the clergy,—that the clergy possessed a third part of the revenues of the kingdom, and, not doing the King any personal service, it was but just that they should contribute out of their revenues to the pressing necessities of the state, —that it was evident that the riches of the ecclesiastics made them negligent of their duty, and the lessening of their excessive incomes would be a double advantage to the state and church. The King so received this address as plainly shewed that it was not disagreeable to him, and in all likelihood it was he who by his emissaries had chalked out this way of raising the money he wanted. The Archbishop of Canterbury, &c.

P. 497.—1405. This year also, on October 3, the King made a grant to Sir John Stanley of the Isle of Man: the possession whereof still remains in that noble family; honoured in 1st Henry VII. with the title of Earl of Derby.—*Rym. Fœd.*, tome 8, p. 420.

From Burke's Dictionary of the Peerage, 1859.

Ferdinando, 5th Earl of Derby. This nobleman having been tampered with by one Hesketh, said to be an agent of the Jesuits to assume the title of King in the right of his grandmother, and, rejecting the proposition indignantly, is supposed to have been poisoned in consequence, by the conspirators. He m^d. Alice, d. of Sir John Spencer, of Althorp, and had three drs., his coheiresses, &c.

Among the Lansdown M.SS., Brit. Mus., vol. 82, art. 13, is a letter from William, Earl of Derby, 10th July, 1596, to the Treasurer of England, upon the Queen sending a Captain to the Isle of Man, which was an encroachment on his right and therefore he could not allow it.

In connection with the statements about the Treen organization, we may insert an extract from Sir F. Palgrave's *Essay on the Original Authority of the King's Council*. 1834 :—

The commonwealth was knit together by the law of free borgh. This was a system of mutual surety, and also of mutual espial; for it rendered every man answerable for his neighbour, and consequently compelled him to watch his neighbours' acts with suspicion and jealousy. When blood was shed, the nearest townsmen were attached, and an account was required of them. The township and the hundred might be amerced for the transgression of those who were within their pledge. He who refused to appear in court after lawful summons, broke the compact which bound him to the commonwealth; he became an outlaw—he had spurned the protection of the social community, and received none; his property was forfeited; he bore a wolf's head, and he might be slain with impunity. But outlawry could not be pronounced unless by the solemn judgment of the Shire or Burgh-moot, nor until the offender had been oftentimes required to come in and abide the sentence, &c.—Page 7.

NOTE 11.—POLICY OF THE ECCLESIASTICAL CONSTITUTIONS OF 1703,
RECENTLY REVISED.

In intimate connection with the legislation of the Stanleys, the steps recently taken to revive the policy of Bishop Wilson and the ecclesiastical constitutions of 1703 demand attention in this publication. The editor had collected a series of extracts from published episcopal charges since 1855, exhibiting the systematic efforts in this direction at present in operation; but to avoid the introduction of topics that might give offence, extracts are given only from the episcopal charge delivered on 31st May, 1860, and published by Holden, Liverpool, and Rivingtons, London.

“My Reverend Brethren,—When Bishop Wilson planned and framed orders and constitutions for the better government of the church of Christ in this isle, which in Synod were agreed unto, and which the staff of government confirmed and published in Tynwald Court, it was settled that “there shall be (God willing) a convocation of the whole clergy of the diocese, on Thursday in Whitsun Week, every year, at the Bishop's chapel, if his Lordship be within this isle, or as soon as convenient after his return.”

“In the selection of this season of the Christian year for holding such a convocation, we may trace the intention of one who may be almost called the father of the Manx Church. He at least it was who restored it when it had fallen into decay, gave it a name in Christendom which, with his own, has preserved it in its primitive integrity. * * * * *

"I cannot conceal from myself or from you that I see in them great peril to the future integrity of the Manx Church, as an independent branch of the Church of England. Our ecclesiastical position and privileges here can only be permanently maintained by such appeals to its past reputation and its present efficiency, as notwithstanding its great poverty, claimed for it at no very remote period the sympathy of those who had been previously disposed to look upon it as worthy only of the position of an appendage to an English diocese.

"Meanwhile no alternative is left me but one. I have been unwillingly constrained, as I told you last year, to make the enactments of ecclesiastical law my rule of episcopal direction among you, rather than any insular precedents which may or may not be in strict accordance with the provisions of general ecclesiastical legislation.

"As for the experiment to which I alluded in my last charge, and which, as such, I have made in my own immediate locality, I am satisfied that a hearty Church of England service may be made attractive even under the most disadvantageous circumstances, and that sound Church of England principles may be taught without giving needless offence, and that an affectionate bond of Christian influence may be produced through such collateral agencies as those to which I have this day attempted to call your attention."

At a Convocation held at Bishop's Court, June 1st, 1710.

"My Brethren—The acts of Convocation lately passed to prevent clandestine marriages, *as well as the marriage of such persons as have not been instructed in the principles of Christianity, in ord.r to fit them for confirmation and the Lord's Supper*, being of great consequence to the honour of God and the good of souls to be most exactly observed, I find myself obliged to declare that if any person shall wilfully neglect or break these constitutions by marrying any couple without license, published some Sunday before the said marriage shall be solemnised, or without banns called according to the rubrick, or if any person grant a license without a certificate from the Rector or Vicar of the Parish where the persons inhabit, importing that such persons *intending to intermarry have been confirmed and received the sacrament* of the Lord's Supper (according to the true intent of the aforesaid acts), or if any person shall presume to marry those of another parish without his brother's knowledge and leave, that the person so offending shall be suspended *ab officio et beneficio* for one whole year, without respect to any person under my jurisdiction.

"THOMAS, SODOR AND MANN."

Letter of the last Earl of Derby, King of Man and the Isles.

"Whereas there have been several complaints made that the spiritual court of my Isle of Man doth inflict censures on offenders by discretionary rules, arbitrary practices, and pretended customs that never received any regular and legal concurrence of the legislative power of my said Island, and the sanction of the lord,

neither were the same proclaimed at Tynwald as the temporal customs have been in the year 1577, and forasmuch as such practices and arbitrary proceedings have been very prejudicial to several inhabitants of my said Island in divers respects : It therefore seems indispensably necessary that some prudent and lawful ways and means should be used to prevent any further complaints and proceedings of that nature : To which end I do therefore require and direct the Governor, Officers, Deemsters, and 24 Keys of my said Island, calling to their assistance the Bishop, Archdeacon, Vicars-General, or such of them as are resident in my said Isle, to peruse, examine, revise, and rectify all the said discretionary rules, arbitrary practices, and pretended customs of the spiritual court with diligence, fidelity, and deliberation, and to make such amendments therein as shall seem most consistent with justice, law, and reason, that the same may receive the regular sanction of law, and be afterwards published at the Tynwald. And in the mean time I do hereby order my Lord Governor and Officers that they suffer not any of my people to be imprisoned, or suffer any loss or detriment, either in their bodies, goods, or estates, by virtue of any such discretionary rules, arbitrary practices, and pretended customary laws. And that no prosecutions be allowed but such as are grounded on the known laws of the Island, which have received a regular sanction and have accordingly been recorded. And I do hereby command and require the Governor, Bishop, Officers, spiritual and temporal Judges, and 24 Keys of my said Island to give due observance and obedience to this my order. Given under my Hand and Seal, at Knowsley, this 8th of April, 1726.

“DERBY.”

FINIS.

DOUGLAS:

PRINTED BY H. CURPHENY, SUN OFFICE, KING STREET.

APPENDIX.

R U L E S .

1.—That the affairs of the Society shall be conducted by a Council, to meet on the first Tuesday of every month, and to consist of not more than 24 members, of whom six shall form a quorum, and that the President, Vice-Presidents, the Hon. Secretaries and Treasurers shall be considered ex-officio Members. The Council may appoint two acting Committees, one for finance and the other for publication.

2.—That a subscription of One Pound annually, paid in advance, on or before the day of annual meeting, shall constitute membership ; and that every Member not in arrear of his annual subscription be entitled to a copy of every publication issued by the Society. That no member incur any pecuniary liability beyond his annual subscription.

3.—That the Accounts of Receipts and Expenditure be examined annually by two Auditors appointed at the Annual Meeting on the 1st of May in each year.

4.—That Six Copies of his Work be allowed to the Editor of the same, in addition to the one he is entitled to as a Member.

5.—That no Rule shall be made or altered except at a General Meeting, after due notice of the proposed alteration has been given as the Council shall direct. The Council shall have the power of calling extraordinary Meetings.

LIST OF MEMBERS,

FOR THE YEAR 1859-60.

- Adams, Alfred W., Crown Solicitor of Man.
Adamson, L., H.M.'s Seneschal of Man.
Adamson, Law. W., Advocate, Douglas.
Airey, Rev. Robert, St. Luke's, Baldwin.
Anderson, W. J., Capt. 32nd Regt.
Archer, Robert, Douglas.
Argyll, His Grace the Duke of
Asaph, St., The Right Reverend the Lord
Bishop of
Avison, Thomas, F.S.A., Liverpool.
- Baldwen, Hargreaves, Laxey.
Bamber, S. J., Douglas.
Barnwell, Rev. E. L., M.A., Ruthin, N.
Wales.
Bath and Wells, The Hon. and Right Rev.
the Lord Bishop of
Beckwith, William, Harcroft, Braddan.
Bell, James, Mount Vernon, Douglas.
Bell, George, Leith Walk, Edinburgh.
Bennet, J. Geo., H.K., Willaston.
Bishop, John, The Turretts, Colchester.
Bluett, Arthur, Advocate, Douglas.
Booth, B. W., Swinton, near Manchester.
Bonaparte, His Highness Prince L. Lucien
Bowman, J. R., Douglas.
Brearey, W. A., Douglas.
Bridson, Paul, A.G.H.S., *Honorary Secretary*, Douglas.
Bridson, John, M.D., Douglas.
Bridson, John, Liverpool.
Bridson, Thomas Ridgway, Mornington-
house, Southport.
Bridson, Thomas Ridgway, jun., Bridge-
house, Bolton-le-Moors.
Bridson, Henry, F.R.S.A., Harwood.
Broadbent, Frederic, Bolton-le-Moors.
Brown, Rev. T. E., M.A., Vice-Principal of
King William's College, Castletown.
Brown, Charles, Chester.
Burman, James, F.R.A.S., Ballasalla.
- Cadman, Henry, Howstrake, Conchan.
Caine, Rev. Thos. Vicar of Lonan.
Caine, Rev. Wm., M.A., Greenheys, Man-
chester.
- Calcraft, Mrs.
Caley, Rev. R. Llewellyn, M.A., Precentor
of Bristol Cathedral.
Caley, James A., F.G.S., H.M. Civil Ser-
vice, Ceylon.
Callister, Wm., H.K., Thornhill, Ramsey.
Callow, T. C. Advocate, Douglas.
Callow, Edward, London.
Callow, James William, London.
Cannell, Rev. J., St. Matthew's, Douglas.
Carr, Rev. James, Douglas.
Carran, Thomas, Peel.
Cattley, Rev. Richard, Worcester.
Christian, W. Watson, Water-Bailiff, &c,
Isle of Man.
Christian, Rev. Wm. B., B.A., Milntown,
Vicar of Lezayre.
Clague, Richard, Douglas.
Clague, Robt. D., Weymouth, Dorset.
Clarke, Archibald, Douglas.
Cleator, Charles, Douglas.
Cleveland, Rev. James, Douglas.
Clucas, John Thos., Advocate, Castletown.
Clucas, Mrs. Ann, Ballafreer, Marown.
Clucas, John, Ballaquinney, Marown.
Coffin, Dr., Oxford Road, Manchester.
Cookson, George, M.D., Douglas.
Corlett, Thos. Arthur, V.G., Ramsey.
Corrin, Thomas, Castletown.
Couborough, Wm. Kaye, Liverpool.
Cowin, John, Douglas.
Cowley, William, Peel.
Cowper, Thomas, Douglas.
Craine, John, C.P., Ballaugh.
Crebbin, Lewis, Douglas.
Crebbin, George, Douglas.
Crellin, John F., H.K., Orrysdale, Michael.
Crellin, Robert Q., Castletown.
Crockett, Miss, Cannock, Staffordshire.
Cubbin, Henry, Strathallan Park, Conchan.
Cubbon, John, Douglas.
Cubbon, W., Broomhill, Denny, Stirlingshire.
Cumming, Rev. J. G., M.A., F.G.S.
Cuninghame, P. T., H.K., Castletown.
Cuninghame, Miss, Castletown.
Carphey, Mrs. Harriett, Douglas.

Curphey, Rev. W. T., Vicar of Loders, Dorset.

Dalrymple, William, Braddan.
Derby, Right Hon. the Earl of, Knowsley.
Dixon, Rev. Robt., D.D., Principal of King William's College, Castletown.
Drinkwater, Deemster, (a Donation) Kirby.
Drury, Rev. W., Vicar of Braddan.
Duggan, Rev. William, Vicar of Marown.
Dumbell, George Wm., Belmont, Douglas.
Dunlop, Alex. Murray, M.P., Greenock.
Dutton, Miss, Villa Marina, Douglas.

Falconer, Col., Strathallan Crescent.
Fargher, Robert, Douglas.
Farrant, Wm., H.K., Ballamoar, Jurby.
Farrant, Edward Curphey, H.K., Ballakillinghan, Lezayre.
Faulder, Edward, H.K., Ellerslie, Marown.
Fleming, Maxwell, M.D., Douglas.
Fordati, James, Sycamores, Ballasalla.
French, Gilbert J., F.S.A., Cor. Mem. S.A. Scot., Bolton-le-Moors.

Garrett, P. L., Douglas.
Garrett, Thomas, Douglas.
Garrett, John, Liverpool.
Garston, Edgar, K.S., Aigburth.
Gawne, Edward M., Speaker of the House of Keys, Kentraugh.
Gell, James, High Bailiff of Castletown.
Gell, John, H.K., Kenna, German.
Gell, Evan, H.K., Whitehouse, Michael.
Gell, William, Douglas.
Gelling, Fred. L., Advocate, Castletown.
Gelling, Richard, Douglas.
Gelling, James Geo., *Treasurer*, Douglas.
Gelling, Miss, St. John's Wood, London.
Gelling, Rev. John J., M.A., St. Catherine's Cree, London.
Gelling, Daniel, 41, Catherine St., Liverpool.
Gill, Rev. William, Vicar of Malew.
Gill, Rev. Wm., Incumbent of St. John's, Fitzroy Square, London.
Gill, Henry C., Advocate, Castletown.
Goldsmith, John, Douglas.
Graves, Henry, Peel.
Green, Mrs., Rockmount, German.

Hampton, John, Ramsey.
Hardy, Wm., Duchy of Lancaster Office, London.
Harris, Samuel, Sumner-General, Marathon, Douglas.
Harrison, Rev. J. E., (In Memory of,) Jurby.
Harrison, Rev. Bowyer, Vicar of Maughold.
Harrison, W., H.K., Rockmount, German.
Harrison, J. Ridgway, Ballachrink, Malew.
Harrison, Ridgway, H.K., Woodside House, Douglas.
Harrison, J. C. T., Advocate, Ballaughton.
Harrison, John Paul, Douglas.
Haslam, W., H.K., Ballaglass, Maughold.
Holmes, Rev. Archibald, Vicar of Patrick.
Holmes, James, London.

Hope, Hon. Charles, Lieut.-Governor of the Isle of Man, *President*.
Howard, Rev. Thomas, Rector of Ballaugh.
Howard, Rev. John, Vicar of Conchan.
Howard, Rev. W. W. M.A., H.M.'s Inspector of Schools.

Jeffcott, John M., H.K., Castletown.
Jefferson, Joseph, Bemahague, Conchan, *Treasurer*.
Jefferson, John, Derby Square, Douglas.
Jefferson, George, Liverpool.
Johnson, R. H., Douglas.

Kayll, John James, The Green, Sunderland.
Keeble, Rev. John, M.A., Hursley, near Winchester.
Kelly, Mrs. Gordon W., Oxney House, Writtle, Chelmsford.
Kermode, Rev. W., St. Paul's, Ramsey.
Kermode, R. Q., Mona's Vale, Tasmania.
Kewley, James, Rolls' Office, Castletown.
Killey, Phillip, H.K., Ballawilleykilley, Marown.
King, Frederick, Falcon Cliff, Douglas.
Kinley, Philip, Douglas.
Kneale, William, Douglas.

Lace, Francis J., Stone Gappe, Yorkshire.
Lamothe, F. J. D., H.K., Ramsey.
Laughton, Alfred N., Advocate, Douglas.
Law Library, Castletown, Isle of Man.
Lewin, D. Duncan, Douglas.
Lewin, J. E. Clifford, London.
Lloyd, Alex. E., Dartmouth, Devonshire.
Lloyd, Robert, Oakwood, Crayford, Kent.
Lumsden, William, Glenaspeth, Patrick.

Macdonald, Alexander, (late Major 95th Regt.,) Ballachrink, St. John's.
McHutchin, Rev. M. W., Talk, Lawton, Cheshire.
Mackenzie, Rev. W., Strathallan Villa, Douglas.
Mackenzie, John Ord, Manchester.
Mackinnon, John, Cainbro', Coatbridge.
Mackinnon, Peter, Rosehall, Coatbridge.
MacMullin, J. A., Douglas.
Matthews, F., H.K., Glyn Moar, German.
Maxwell, Gilbert, Ballanard, Conchan.
Moore, Joseph C., The Ven., Archdeacon of Sodor and Man.
Moore, B. J., H.K., High-Bailiff of Peel.
Moore, William F., H.K., Cronkbourn, Braddan.
Moore, Edward, 2, Derby Square, Douglas.
Moore, W. E. Stevenson, Lhergydhoo, German.
Moor, Rev. John Frewen, M.A., Bath.
Murray, Capt. H., R.A., H.K., Thornton.
Murray, George Moore, Mexico.
Mylrea, John, Douglas.

Napier, John, Launcefield House, Glasgow.
Nelson, Samuel C., Douglas.
Noble, H. B., Atholl Terrace, Douglas.

- Ogden, C. R., H.M.'s Attorney-General for the Isle of Man.
 Oliver, John R., M.D., *Hon. Secretary*, Atholl-street, Douglas.
 Ormsby, Rev. W. A., Rector of Smallborough, Norwich.
 Oswald, H. R., F.S.A., Douglas.
 Philpot, Rev. Benjamin, M.A., F.G.S., (late Archdeacon of Sodor and Man,) Lydney Vicarage, Gloucestershire.
 Pole, C. Chandos, Falkner-street, Liverpool.
 Quayle, M. H., Clerk of the Rolls, Castletown.
 Quayle, Robert Tellet, Castletown.
 Quine, James, Douglas.
 Quirk, Richard, H.M.'s Receiver General, Douglas.
 Quirk, Richard, H.K., Rheaby, Patrick.
 Quirk, Rev. James, M.A., Attleborough, Warwickshire.
 Ready, Lieut.-Colonel, Douglas.
 Reece, William Henry, Oakmount, Edgbaston, Birmingham.
 Reeves, L. Buckle, R.M., Douglas.
 Richardson, Robert, Derby Square.
 Robertson, A. S., Altnaskiah, Inverness.
 Robinson, William, Bolton-le-Moors.
 Rogers, Alfred S., Manchester.
 Rogerson, Thos., Ballamillaghyn, Braddan.
 Rowe, Richard, Laxey Glen, Lonan.
 Sayle, William, Douglas.
 Sherwood, Richard, Advocate, Douglas.
 Shimmin, John, Liverpool.
 Simpson, Rev. S., M.A., St Thomas', Douglas.
 Skottowe, William, Kilkenny, Braddan.
 Skrimshire, F. C., Agent to H.M.'s Woods and Forests, Isle of Man.
 Smith, Henry, Bankfield, Ulverstone.
 Sodor and Man, The Hon. and Right Rev. the Lord Bishop of
 Sparrow, Rev. W. C., Ramsey.
 Spittall, Alexander, H.K., Lauriston, near Douglas.
 Spittall, James, Advocate, Sunnyside, near Douglas.
 Stanley, Lord, M.P., Knowsley.
 Steele, Alex., Ph. D., Crescent, Douglas.
 Stephen, Deemster, (a Donation), Ramsey.
 Sterling, William, M.P., Keir, near Dumblane, N.B.
 Stewart, H. Dunn, Tonderghie, Whithorn.
 Stowell, Rev. H., M.A., Canon of Chester, Salford.
 Stowell, Rev. Hugh A., M.A., The Dhoon, Maughold.
 Stowell, Rev. J. L., M.A., Vicar of German.
 Stuart, Alexander Charles, Eaglescarrie, Haddingtonshire.
 Taubman, J. S. Goldie, H.K., The Nunery, Douglas.
 Teare, Thomas, (the late), Glen trammon.
 Thomas, Miss, Ballacossnahan, Patrick.
 Tootal, Thomas, Douglas.
 Torrance, Gilbert, Douglas.
 Torrance, Joseph, Douglas.
 Tyrrell, Mrs., Ilfracombe, Devonshire.
 Underwood, Thomas, M.D., Castletown.
 Watts, Henry B., Advocate, Douglas.
 Wilkes, Miss, Douglas.
 Wilson, Senhouse, High Bailiff of Douglas.
 Woodhouse, J., Solicitor, Bolton-le-Moors.
 Woods, George, Aigburth, Liverpool.
 Wright, George, Oxford Road, Manchester.
 York, His Grace (the late) Archbishop of.

The Honorary Secretaries request that any change of Address may be communicated to them.

WORKS PUBLISHED BY THE MANX SOCIETY.

FOR THE YEAR 1858-59.

Vol. I.—Sacheverell's Survey of the Isle of Man.

Vol. II.—The Manx Grammar.

FOR THE YEAR 1859-60.

Vol. III.—Stanley Legislation of Man.

WORKS IN THE PRESS.

FOR THE YEAR 1859-60.

Monumenta de Insula Manniæ ; or a Collection of National Documents relating to the Isle of Man. Vol. I. By J. R. Oliver, M.D., Hon. Sec.

A Dissertation on the Armorial Bearings, Royal Prerogatives, Regalities, and Constitutional Privileges of the Isle of Man, with the Ancient Ethnology thereof, (with Illustrations). By H. R. Oswald, F.S.A.

WORKS SELECTED FOR PUBLICATION.

Records and other Documents relating to the Life and Times of William Christian, formerly Receiver General of the Isle of Man, and commonly known as "Illiam Dhone." Edited by James Burman, F.R.A.S., Secretary to His Excellency the Lieut.-Governor.

An Abstract of the Laws, Customs, and Ordinances of the Isle of Mann, by Deemster Parr. From an unpublished M.S., supposed to be written between 1696 and 1702. Edited by James Gell, High Bailiff of Castletown.

A Bibliographical Account of what has been published on the History, Topography, Antiquities, Customs, Maps, and Local Matters of the Isle of Man. By William Harrison, H.K.

Monumenta de Insula Manniæ; or a Collection of National Documents relating to the Isle of Man. Vol. II. By J. R. Oliver, M.D., Hon. Sec.

Manx Proverbs, Songs, and Legends. Collected and edited by the Rev. T. E. Brown, M.A., late Fellow of Oriel College, Oxford, and Vice-Principal of King William's College, Isle of Man.

A Volume of Manx Miscellanies.

An unpublished MS., supposed to be written in 1648, by a Scion of the Ancient House of Blundell, of Crosby, near Liverpool.

WORKS SUGGESTED FOR PUBLICATION.

A Short Treatise of the Isle of Man, digested into Six Chapters, &c. By James Chaloner, Governor. With the Plates. 1656.

History and Description of the Isle of Man, by Geo. Waldron. From the folio edition of 1731.

A Volume of Poems, selected from the various Works relating to the Isle of Man.

A MS. History of the Isle of Man, from A.D. 1000 to 1805. Written by the late Rev. Wm. Fitzsimmons, Episcopal Minister of Carubber's Close, Edinburgh, and a native of this Island.

Selections from the Life of Thomas Wilson, D.D., Lord Bishop of Sodor and Man; from Compilations from his Biographers, and from subsequent Authentic Documents and Letters, kindly placed at the disposal of the Society.

Memoirs of his Successor, Mark Hildesley, D.D., Master of Sherbourne Hospital, and Prebend of Lincoln, (under whose auspices the Holy Scriptures were translated into the Manx language); by the Rev. Weedon Butler. 1799. With Selections from the Appendix, containing many interesting Letters to and from his Clergy, &c.; together with additional Correspondence, not inserted therein, of a Local character.

A MS., in two vols., 4to., of a Vocabulary or Dictionary of the Manx Language. By the Rev. John Kelly, LL.D., (a native of this Island), of St. John's College, Cam., Vicar of Ardleigh, in Essex, and Tutor of the last Duke of Gordon.

A MS. Triglott Dictionary, by the same Author, containing a Vocabulary of the English, Manx, Irish, and Gaelic Languages. It is hoped that assistance from other Societies (including the Welch) will be obtained for the furtherance and extension of this valuable work.

Manx Miscellanies, Vol. I., containing—Biographical Notices of the Kings, Governors, Bishops, Deemsters, Keys, and other Officials, from the Earliest Times, chronologically arranged.—Commission from Edw. I. to hear Complaints in the Isle of Man (printed in the Rev. J. G. Cumming's *Story of Castle Rushen*); 1292.—Proceedings respecting Scrope, Earl of Wiltshire; 1399.—Proceedings respecting the Abbey of Rushen; 1541.—Grant of Abbey Lands; 1610.—Lord Manchester's Decree respecting Abbey Lands; 1632.—Lord Derby's Letter to his Son, 1643.—Appeal allowed from the Bishop to York, and Proceedings thereon.—Order of Procession at Tynwald; 1735–1770.—Nomination of Derby Fort; 1645.—Lord Derby's Letter to apply Money to build the Chapel of Castletown.—A Grant from Henry, Earl of Derby, dated at Latham, 1593, with a confirmation of the same signed by Thomas (Merryke) Sodor de Man, 1603,—a curious document, worth lithographing.—Dialogue (in rhyme) at the Falls near Snafeld, between some Peasants, inhabitants of the Back Settlements of Mona, upon an expected introduction of English Laws and Taxes, penned as the words were spoken, and translated by Jenken M'Mannan, a Lover of the Old Establishment.—A MS. Account of the Island, dated 1775.

Tabular Statement of the Archdeacons, Rectors, Vicars, and Incumbents of the several Parishes and Districts of Man; with the Dates of their Inductions; in whose Presentation—whether in the Gift of the Crown or Bishop; and Cause of Vacancy.

Memoirs of the House of Stanley. By John Seacombe. 1741.

Manx Miscellanies, Vol. II., containing—A Full and Interesting Account, of the Embarkation of James, Second Duke of Atholl, and Suite (Names given), at Liverpool, on the 9th of June, 1735, to take possession of his newly-acquired Territories in Man. MS. of the Manners, Customs, and Superstitions of the Islanders.—The Charge of the Revenue of the Isle of Man for one whole Year, commencing from 5th Oct., 1759, to 5th Oct., 1760, including the Abbey Temporalities, Disbursements for Salaries and Pensions to Officers, Soldiers, &c., for Rushen and Peel Garrisons, and Douglas, Ramsey, and Derby Forts; under the control and accountantship of Daniel Mylrea, Esq., Receiver General.

Monumental Inscriptions from the Churches and Churchyards in the several Parishes of the Isle of Man (except Braddan), collected by Mr. John Feltham, in the Summer of 1797, Author of "*A Tour in the Isle of Man in 1797 and 98*," intended to have been published by him, but never accomplished. (See his work, page 255.)

Pages 276 to 296 of Worsaae's *Danes and Northmen*.

Royal Commissioners' Report, 1792, (with scarce Appendix.)

THE SECOND REPORT

OF THE

COUNCIL OF THE MANX SOCIETY,

FOR THE YEAR ENDING THE 1ST OF MAY, 1860.

The Council, in presenting their Second Report to the General Meeting, have to refer to the Publications issued for the first year, 1858-59.

The first of the works, "A Short Survey of the Isle of Man, by William Sacheverell, Esq., late Governor of Man, 1702," edited by the Rev. J. G. Cumming, M.A. the Council have much pleasure in referring to, as an earnest of what the Society may be able to accomplish. This work is still more valuable by the many explanatory notes of the learned Editor.

The second publication for the first year, "A Practical Grammar of the Ancient Gaelic, or Language of the Isle of Man usually called Manks, by the Rev. John Kelly, LL.D., 1804," edited by the Rev. Wm. Gill, Vicar of Malew, to which is prefixed a Short Account of the Life of Dr. Kelly, drawn up one of the Honorary Secretaries of the Society, Paul Bridson, Esq., of Douglas.

These Volumes form the deliveries for the first year, and the Council have reason to hope they will be enabled to give three volumes for the second year, considerable progress having been made in the printing of two works, viz. :—

1st,—Legislation by Three of the Thirteen Stanleys, Kings of Man, by the Rev. Wm. Mackenzie. This will include the History and Antiquities of the Isle of Man, by James, Seventh Earl of Derby, in his Letter to his Son, printed in Peck's *Desiderata Curiosa*.

2nd,—*Monumenta de Insula Manniæ*, or a Collection of National Documents relating to the Isle of Man, from Cæsar to the present time, by J. R. Oliver, Esq., M.D.

3rd,—A Dissertation on the Armorial Bearings, Royal Prerogatives, Regalities, and Constitutional Privileges of the Isle of Man, with the Ancient Ethnology thereof, by H. R. Oswald, Esq., F.S.A. (Ready for the Press.)

And these will form the deliveries for the second year.

The Council are happy to state that considerable progress has been made in the preparation of works for the third or forthcoming year, and are in hopes that the following will with as little delay as possible be in the hands of the Printer, viz. :—

1,—Records and other Documents relating to the Life and Times of William Christian, formerly Receiver General of the Isle of Man, and commonly known as Iliam Dhone, to be edited by James Burman, Esq., F.R.A.S., Secretary to His Excellency the Lieut.-Governor.

2,—An Abstract of the Laws, Customs, and Ordinances of the Isle of Man, by Deemster Parr, (from an unpublished MS.), edited by James Gell, Esq., High Bailiff of Castletown.

3,—Bibliographical Account of what has been published on the History, Topography, Antiquities, Customs, Maps, and local matters of the Isle of Man, by William Harrison, Esq., H.K.

Various interesting documents have also been brought before the notice of the Council, which, in themselves, may not be sufficient to form a volume, are yet worthy of preservation, and a publication of such Miscellanies will no doubt form an acceptable addition to the historical stores of the Members of the Manx Society.

The Council have to regret the retirement of one of their Honorary Secretaries, since the last annual meeting,—the Rev. W. Mackenzie,—through indisposition, but his zeal for the welfare of the Society will still, in every matter in his power, be his earnest wish to promote. Dr. Oliver has kindly undertaken his duties, and to him and to his coadjutor, Paul Bridson, Esq., the Council and Members of this Society are under the greatest obligations for their untiring assiduity for the interests of the Society.

The Council would continue to urge upon the notice of the Members of the Society the importance of the support of themselves and friends; it being obvious from time to time, by deaths and other causes, many of their earlier subscribers must be lost, it is most desirable that such vacancies should be filled up, since it is only by the numbers remaining at or about the present level, that the plans of the Council can be carried into full effect. To those Members and Friends who have already come forward so liberally in the furtherance of the objects of this Society, by their valuable contributions, the Council beg to tender their most grateful acknowledgments.

The Council cannot conclude their report without congratulating the general body of subscribers upon the continued success of the Society, as evidenced by its financial position, and it will be seen from the Treasurer's Report that the number of subscribing Members for the first year, or up to the last annual meeting, numbered 236 Members, that since that period 14 additional Members, from the commencement, have been added thereto, making an aggregate of 250 Members for the first year, and of this number some few only are in arrear.

The Council, however, consider it their duty to inform the Society that owing to the contemplated changes in the Paper Duties, unforeseen difficulties have arisen, which may for a time retard the completion of the works now in the press, but it is confidently hoped, through the well-known energy of the Society's Printer, this obstacle will shortly be overcome.

Read and adopted at the Annual General Meeting.

CHARLES HOPE, PRESIDENT.

Douglas, May 8th, 1860.

Dr.

JAMES GEO. GELLING, (ACTING TREASURER,) IN ACCOUNT WITH THE MANX SOCIETY, FOR 1859-60.

Cr.

Subscribing Members for the First Year, 250. Paid, 242; Unpaid, 8; total, 250.		1859.		1860.	
To Arrears of Subscriptions collected 1859-59...	...	£	s. d.	£	s. d.
" Subscriptions for the present year 1859-60...	...	33	0 0		
" Subscriptions paid in advance, 1860-61...	...	173	0 0		
" Difference between Pounds due and (Guineas) received...	...	1	0 0		
" Interest allowed by Bankers, up to 31st Dec., 1859...	...	5	4 2		
		<hr/>		<hr/>	
Balance in Bank and Treasurer's hands at the commencement of the Year, May 1st, 1859...	...	212	15 2	202	1 6
Sept. 7,—By Mrs. H. Curphey, for printing "Sacheverell's Survey," and other Expenses—300 Copies ...			49	5 6	
" Extra Work on do. as per Minute of Meeting, February, 1859 ...			8	0 0	
" Cash on account, see last Year's Statement ...			57	5 6	
" Ditto binding same, full gilt back, Vignette on both sides, and Engraving same ...			10	0 0	
" Mrs. H. Curphey printing "Dr. Kelly's Manx Grammar," ...			47	5 6	
" Binding same, 300 Copies ...			17	6 0	64 11 6
" Extra Copies of Sacheverell's Survey ...			26	6 6	
January,—Messenger for delivering 184 vols. ...			13	10 0	
Mar. 21,—Robt. Fargher for Advertising Annual Meeting, 1859, and in his Almanack ...			39	16 6	
April 30,—Expenses incurred by Hon. Sec for Stationery, Postage, and Sundries, as per his Book ...			2	6 6	
" Book Postage to distant Members ...					42 3 0
" Stamped Envelopes ...					1 10 8
" Carriage of do. to Out Towns ...					0 6 0
" Attendance and Fire at the Monthly Meetings of the Council, (5 Months) ...					0 14 9
April 30,—Johnson for printing Circulars, Stationery, Advertising Annual Meetings... ..					1 2 8
" Balance in Bank at the close of the Year ...					3 7 10
" In Treasurer's hands ...					1 13 9
					0 2 7
					0 6 6
					1 3 4
					117 2 7
					8 11 2
					297 14 1
					<hr/>
					£414 16 8

May 1st, 1860.—To Balance £414 16 8
Errors excepted. £297 14 1

PAUL BRIDSON, (in the absence of Jas. G. Gelling, Treasurer.)

May 6th, 1860.—Audited by { WM. GELL.
P. L. GARRETT.

